LOCAL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND SOUTHERN DISTRICTS OF IOWA

Effective January 1, 2006

N.D. Administrative Order Number 06 - AO - 0001-P
S.D. Administrative Order Number 06 - AO - 0001-P

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CIVIL RULES

LR 1.1 GENERAL PROVISIONS; EFFECTIVE DATE; SCOPE

a. Citation Form. The local civil rules are to be cited as "LR ___." The local civil and criminal rules are referred to collectively herein as the "rules" or the "Local Rules."

b. Effective Date. The rules, as amended, take effect on January 1, 2006.

c. Scope. Except as otherwise provided or where the context so indicates, the local civil rules govern all civil and criminal proceedings in the Northern and Southern Districts of Iowa, to the extent they are not inconsistent with any statute or law of the United States, any rule or order of the Supreme Court of the United States having the force of law, or in a criminal case, any express provision of a local criminal rule.

d. Modification of Local Rules by Presiding Judge. The Local Rules are subject to modification in any case at the discretion of the presiding judge.

e. Relationship to Prior Rules; Proceedings Pending on Effective Date. These Local Rules supersede all previous rules promulgated by the Northern and Southern Districts of Iowa, and govern all proceedings brought in the Northern and Southern Districts of Iowa after the effective date. They also apply to all proceedings pending on the effective date, except to the extent that, in the opinion of the presiding judge, the application of these Local Rules would not be practicable or would work an injustice, in which event the judge may grant appropriate relief.

f. Sanctions. A failure to comply with the Local Rules may be sanctioned by the court in any appropriate manner. Sanctions may include, but are not limited to, the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other filings, the denial of oral argument, and the imposition of attorney fees and costs.

g. Court; Federal Judge; Magistrate Judge; Presiding Judge; State or Local Judicial Officer.

1. Court. The term "court," as used in the Local Rules, means a federal judge performing functions authorized by law.

2. Federal Judge. The term "federal judge," as used in the Local Rules, means a United States district court judge; a United States magistrate judge; any justice or judge of the United States as those terms are defined in 28 U.S.C. § 451; a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform a function to which a particular Local Rule

relates; and, to the extent the Local Rules are adopted as local bankruptcy rules, a United States bankruptcy judge.

3. Presiding Judge. The term "presiding judge," as used in the Local Rules, means a federal judge performing functions authorized by law in a matter assigned to that judge.

4. State or Local Judicial Officer. The term "state or local judicial officer," as used in the Local Rules, means a state or local officer authorized to act under 18 U.S.C. § 3041.

h. Authority. When the Local Rules authorize a magistrate judge to act, a United States district court judge also may act.

i. Web Addresses. Forms, procedures, and additional information about the courts and their federal judges may be found at the following web addresses: *www.iand.uscourts.gov* for the Northern District, and *www.iasd.uscourts.gov* for the Southern District.

j. Court Days. When a period of time prescribed in or allowed by a Local Rule is specified in "__ court days," the period is calculated without counting Saturdays, Sundays, or legal holidays.

k. ECF System. The court's electronic case filing system is referred to in the Local Rules as the "ECF system."

l. ECF Procedures Manual. Specific rules, requirements, procedures, and limitations relating to electronic filing and electronic access to case files in the ECF system are set out in a procedures manual referred to in the Local Rules as the "ECF Procedures Manual."

m. Written Document. When the Local Rules require a document to be "written" or "in writing," those terms include both documents filed in paper form and documents prepared and filed electronically.

n. Public Records. All filings with the Clerk of Court are public records and are available for public inspection unless otherwise provided by a Local Rule or a statute of the United States. Access to the court's electronic case files is available as described in Local Rule 5.3.m.

Materials filed with the Clerk of Court under seal are not part of the public record, and are not available for public inspection. Materials may be filed under seal only in accordance with the procedures prescribed in Local Rule 5.1.c and the ECF Procedures Manual.

LR 3.1 COMMENCING CIVIL CASES

a. How Filed. Unless otherwise required or authorized by these rules, the ECF Procedures Manual, or the Clerk of Court, all civil cases commenced in this court must be filed using the court's Electronic Case Filing ("ECF") system. (*See* LR 5.3.g.1.)

b. Where Filed. Civil cases must be commenced in the proper district and division of the court. For a list of counties within each division, see 28 U.S.C. § 95. Civil cases filed electronically must be filed using the ECF system. Civil cases filed non-electronically should be filed in the following locations:

1. Northern District.

A. Cedar Rapids Division and Eastern Division cases opened non-electronically ordinarily should be sent to the Clerk of Court's office in Cedar Rapids, but may be sent to the Clerk of Court's office in Sioux City;

B. Western Division and Central Division cases opened non-electronically ordinarily should be sent to the Clerk of Court's office in Sioux City, but may be sent to the Clerk of Court's office in Cedar Rapids.

2. Southern District. Cases opened non-electronically ordinarily should be sent to the Clerk of Court in Des Moines, regardless of the division, but may be sent to the Clerk of Court's offices in Davenport or Council Bluffs.

c. Caption. The caption of any document commencing a civil case in this court must show the district and division in which the case is being filed and the case number, and otherwise must conform with the requirements of Local Rule 10.1.d.

d. Filing Fee. The fees for filing civil cases are prescribed in 28 U.S.C. § 1914(a).

e. Pro Se Parties. Except in prisoner cases filed pursuant to 28 U.S.C. § 1915, and cases filed under 28 U.S.C. §§ 2254 and 2255, the Clerk of Court will provide all pro se parties in civil cases with a copy of these Local Rules at the time the pro se party first appears in a case. The most current version of these rules may be found on the court's web site at the web address given in Local Rule 1.1.i.

Pro se parties are responsible for informing the court promptly of any changes in their address, telephone number, facsimile number, and e–mail address.

LR 3.2 STATEMENT OF INTEREST

a. Plaintiff's Statement of Interest. Within 21 days after a civil complaint is filed, each nongovernmental plaintiff that is not a natural person must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the plaintiff as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the plaintiff's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

b. Defendant's Statement of Interest. Within 30 days after service of a civil complaint on a nongovernmental defendant that is not a natural person, such defendant must file with the Clerk of Court a statement containing the following:

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the defendant as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the defendant's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

c. Statement of Interest Forms. A statement of interest must be filed on the form attached to these rules as appendix A. The form also is available from the Clerk of Court, and may be found on the court's web site at the web address given in Local Rule 1.1.i. The statement of interest form is designed to enable the involved federal judges to evaluate possible bases for disqualification or recusal.

d. Changes in Statement of Interest. If the information provided by a party in a statement of interest form changes before the time has expired for filing a notice of appeal from the final judgment in the case, the party must, within 21 days after the date of the change, file an amended statement of interest form reflecting all such changes.

e. Conflicts List. After entering an appearance in a pending civil case, the lawyers for the parties must determine promptly if the presiding judge has filed a conflicts list with the Clerk of Court by doing one of the following:

1. Inspecting the court's web site at the web address given in Local Rule 1.1.i; or

2. Inquiring of the Clerk of Court of the district.

If a conflicts list for the presiding judge has been filed with the Clerk of Court, the lawyer must review the list and notify the Clerk of Court immediately if it appears the presiding judge may have a conflict with any association, firm, partnership, corporation, or other artificial entity either related to any party or having a pecuniary interest in the case.

f. Notification by Clerk of Court. After a civil case is filed, the Clerk of Court will provide the plaintiff with a copy of this rule and a statement of interest form. The plaintiff must attach a copy of the rule and the form to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with a copy of this rule or the form does not excuse the party from compliance with the rule.

LR 5.1 SERVICE; FACSIMILE DELIVERY OF DOCUMENTS; SEALED DOCUMENTS; IN CAMERA DOCUMENTS

a. Certificate of Service. Where a certificate of service is required by Federal Rule of Civil Procedure 5(d), the certificate must be filed promptly, and in any event, before any action is to be taken by the court or a party on any request made in the document being served. The certificate of service must show the time and manner of service (*e.g.*, electronically through the court's ECF system or by mail), and also must include one of the following:

1. A written acknowledgment of service by the party served;

2. A certification of service by a pro se party, or by a member of the bar of this court or his or her employee;

3. A written declaration, subscribed under penalty of perjury pursuant to 28 U.S.C. § 1746, attesting to service by the person who served the documents; or

4. Some other proof of service satisfactory to the court.

The certificate of service may be included on the last page of the document being served.

b. Facsimile Delivery of Documents to the Clerk of Court. No document may be sent to the Clerk of Court for filing via facsimile transmission unless express prior authorization to do so has been obtained from a representative of the Clerk of Court or from the court. A request for such authorization should be made only in an emergency situation.

Any document sent to the Clerk of Court for filing via facsimile transmission must be accompanied by a facsimile cover page which includes the following:

1. The date of the transmission;

2. The name, facsimile number, and telephone number of the person to whom the document is being transmitted;

3. The name, facsimile number, and telephone number of the person transmitting the document;

4. The case number and title of the case in which the document is to be filed;

5. The name of the document;

6. The number of pages being transmitted, including the cover page; and

7. The name of the representative of the Clerk of Court or the federal judge who authorized the sending of the document via facsimile transmission.

After a party has sent a document to the Clerk of Court for filing via facsimile transmission, the Clerk of Court will electronically file the document. The filing party must serve a copy of the document on all parties who are not participants in the ECF system. (*See* LR 5.3.k.2.)

c. Sealed Documents. Unless otherwise authorized by these rules, the ECF Procedures Manual, or a statute of the United States, a party seeking to file documents under seal first must file a motion requesting leave to do so. The documents sought to be filed under seal must not be attached to the motion or they will become part of the public case file. The documents may be filed under seal only if an order is entered granting the motion.

If the court enters a protective order or some other order directing or permitting the filing of documents under seal, the parties thereafter must, without obtaining a further order from the court, file under seal all documents covered by the order. The parties also must file under seal all documents referring to or disclosing confidential information in the sealed documents.

Certain categories of documents, because of their nature, are sealed by the ECF system without a motion by a party or an order of the court. Most of these "system-sealed" filings are in criminal cases. (A current list of system-sealed filings is available from the Clerk of Court and on the court's web site at the web address in Local Rule 1.1.i.) A party filing such a document should not file a motion for leave to file the document under seal, but should file the document under seal directly through the ECF system.

Generally, a document filed under seal is electronically accessible only to the court and counsel of record. Some documents filed under seal in criminal cases are electronically accessible only to the court.

A paper document to be filed under seal must be delivered to the Clerk of Court in a sealed envelope marked with the caption of the case and the notation "FILED UNDER SEAL PURSUANT TO ORDER DATED ____." Otherwise, the paper document will be filed in the public case file.

Not less than one year after a judgment has become final in a civil case, or if an appeal from the judgment has been filed, not less than one year after the issuance of the mandate by the circuit court, the Clerk of Court may destroy and discard any sealed paper documents in the civil case file, unless, before the expiration of the one-year period, a party files an

objection to the destruction of the documents, or the parties file an agreement to a disposition of the documents in lieu of their destruction.

d. In Camera Documents. Documents submitted to a judge for an in camera inspection must not be filed electronically, but must be delivered in paper form to the judge's chambers in a sealed envelope bearing the caption of the case, the name of the party presenting the documents, and a statement that the documents are being submitted for an in camera review. After the court has examined the documents and has entered an order concerning the issues presented by the documents, the documents will be destroyed unless, within 14 days after the order is entered, the submitting party requests return of the documents, or a party files a motion asking that the documents be made part of the case file and the court grants the motion.

LR 5.2 INITIAL DISCLOSURES, EXPERT DISCLOSURES, AND DISCOVERY MATERIALS NOT FILED

The following documents must not be filed with the Clerk of Court unless filing is required specifically by the Federal Rules of Civil Procedure, Local Rules 37.1.b or 56.1, or an order of the court:

a. Initial disclosures served under Federal Rule of Civil Procedure 26(a)(1);

b. Disclosures of expert testimony served under Federal Rule of Civil Procedure 26(a)(2);

c. Depositions;

d. Notices of deposition;

e. Interrogatories;

f. Notices of service of interrogatories;

g. Requests for production of documents;

h. Requests to permit entry upon land;

i. Requests for admissions; and

j. Answers or responses to discovery requests.

LR 5.3 ELECTRONIC FILING AND ELECTRONIC ACCESS TO CASE FILES

a. Authorization. The Clerk of Court is authorized and directed to do the following:

1. Maintain an electronic case file in the court's Electronic Case Filing ("ECF") system for all cases filed with the court, including civil, criminal, and magistrate cases;

2. Receive case filings into the ECF system by electronic transmission; and

3. Image documents filed in paper form into the ECF system.

The Clerk of Court also is authorized to assign a "Miscellaneous" case number to certain collateral filings.

Specific rules, requirements, procedures, and limitations relating to electronic filing and electronic access to case files are set out in the ECF Procedures Manual. (*See* LR 1.1.l.) Additional rules, requirements, procedures, and limitations may be set out in administrative orders issued by the court. **The ECF Procedures Manual and administrative orders issued on or after the effective date of these rules supersede the rules to the extent they are inconsistent with the rules.** The ECF Procedures Manual and the administrative orders will be available from the Clerk of Court, and will be posted on the court's web site at the web address in Local Rule 1.1.i.

b. Electronic Filing Mandatory. All lawyers admitted to practice before the court, including lawyers admitted pro hac vice in civil cases and criminal cases (*see* LR 83.2.d.2.B.(2) and C.(1)), must register to participate in the ECF system, and must submit all documents to be filed with the court electronically unless otherwise required or authorized by these rules, the ECF Procedures Manual, or the Clerk of Court. Although the Clerk of Court will not refuse to accept a document submitted for filing non-electronically (*see* Fed. R. Civ. P. 5(e)), the court may strike or order the document not to be filed if filing non-electronically is not specifically authorized or required by these rules, the ECF Procedures Manual, the Clerk of Court, or the court.

Information on how to register in the ECF system and how to set up an account for the payment of fees may be obtained from the Clerk of Court, and also is posted on the court's web site at the web address in Local Rule 1.1.i.

In the Northern District of Iowa, the Clerk of Court is authorized to impose a sanction of $25.00 for each document submitted for filing in paper form when the filing of the document non-electronically is not authorized by these rules, the ECF Procedures Manual, or a pre-

viously-entered order of the court. In the Southern District of Iowa, the Clerk of Court may be authorized by Administrative Order to impose sanctions.

c. Pro Se Parties. All documents submitted to the Clerk of Court for filing by parties proceeding pro se must be in paper form. With respect to all such documents, if a party represented by a lawyer would have been required to file the document electronically under these rules or the ECF Procedures Manual, then the Clerk of Court will scan and upload the document into the ECF system.

d. Electronic Filing, Service, and Docketing. The electronic transmission of a document to the ECF system consistent with the procedures specified in these rules and the ECF Procedures Manual, together with the production and transmission of a Notice of Electronic Filing ("NEF") by the ECF system, constitutes filing of the document, service of the document on all persons who have appeared in the case and are ECF system registrants, and entry of the document on the docket kept by the Clerk of Court.

e. Documents Not to Be Electronically Filed or Maintained in the Electronic Case File. Except as noted below, unless otherwise required or authorized by these rules, the ECF Procedures Manual, or the Clerk of Court, the following documents are not to be filed electronically, but must be filed in paper form:

1. The record of state court proceedings in habeas corpus cases filed under 28 U.S.C. § 2254, but the application, motion, or petition; responsive pleadings; briefs; and motions in such cases will be maintained in the ECF system.

2. Filings totaling more than 200 pages in length.

3. The administrative record in cases, such as Social Security benefits cases or claim-review cases brought under the Employee Retirement Income Security Act of 1974, where the court is asked to rule based on an administrative record, but the complaint, answer, briefs, and motions in such cases must be filed electronically, and will be maintained in the electronic case file.

4. Transcripts of proceedings before the court and exhibits offered at trials or hearings, except to the extent filed by a party as an exhibit electronically attached to a motion, brief, or resistance, or as part of an electronically filed summary judgment appendix.

5. Documents filed in petty offense cases not charged as misdemeanors.

6. Any other document or filing that the court orders not to be electronically filed or maintained in the electronic case file.

The Clerk of Court will not scan or upload these documents into the ECF system, but will maintain the documents in a paper file.

f. Format of Electronic Filings. To be filed electronically, documents first must be converted to a format compatible with the requirements of the court's computer system. To the extent possible, electronic filings also must conform with the requirements of Local Rule 10.1.

g. Procedures for Filing Specific Types of Documents.

1. Documents Initiating Civil Cases. A lawyer initiating a civil case in this court by either **(A)** filing an original action in this court, or **(B)** removing an action to this court, must open the case electronically through the ECF system.

2. Civil Summonses. When a new case is filed, the Clerk of Court will deliver to the plaintiff a signed and sealed summons.

3. Documents Initiating Criminal Cases. The United States Attorney's office must open criminal and magistrate cases through the ECF system in the manner provided in the ECF Procedures Manual.

4. Briefs. A brief filed in support of a motion must be filed under the same docket entry as the motion as an electronic attachment to the motion.

5. Documents Which Require Leave of Court. If leave of court is required to file a document (for example, an amended complaint or an over-length brief), the document must be filed as an electronic attachment to the motion requesting permission from the court to file the document. If the court grants the motion, the Clerk of Court will detach, file, and docket the document.

6. Proposed Orders. Where appropriate (for example, in the case of protective orders, orders for writs, orders for warrants for arrest *in rem*, and form orders), a proposed order may be electronically attached to a motion requesting entry of the order. (*But see* LR 16.1.b, relating to proposed scheduling orders and discovery plans.)

A proposed order that contains personal data identifiers (*see* LR 10.1.h) must not be electronically attached to a motion requesting entry of the order or the personal data identifiers will become part of the public case file.

7. Documents Prepared Under Penalty of Perjury. A sworn or unsworn declaration, verification, certificate, statement, oath, or affidavit prepared under penalty of perjury may be filed electronically, but the original paper version of any

such document, bearing the original signature and any verification, must be maintained by the filer during the pendency of the case and for five years after the filing of the document, and must be filed promptly if ordered by the court or requested by another party.

8. Summary Judgment Appendices. Summary judgment appendices must be prepared, served, and filed in accordance with Local Rule 56.1.e.

9. Documents Filed in Paper Form. The Clerk of Court will note on the docket when a document has been filed in paper form and not uploaded into the system electronically.

h. Signing of Electronic Filings. A filer's login name and password are the filer's signature for purposes of Local Rule 11.1 and the applicable Federal Rules of Civil, Criminal, and Appellate Procedure. All documents filed electronically must have the filer's name stated in a signature block, with an imaged signature or an "/s/" in the place of the filer's signature.

All electronic filings are presumed to have been made by the person or party whose login name and password have been used to make the electronic filing. No lawyer may knowingly cause or permit the lawyer's login or password to be utilized by anyone other than the lawyer or an authorized employee of the lawyer's law office. If a pro se party obtains court approval to participate in the ECF system, the pro se party must not knowingly cause or permit the pro se party's login or password to be utilized by any other person.

If a login or password is lost, misappropriated, or misused, the responsible person must notify the Clerk of Court promptly of the loss, misappropriation, or misuse. The court may cancel the login and password of any person responsible for the loss, misappropriation, or misuse of a login or password, or not allow the responsible person to participate further in the ECF system.

i. Original Documents Retained by Lawyer or Party. The electronic filer of a document that contains the signature of a non-lawyer or has potential evidentiary value in a case must maintain possession of the original paper version of the document during the pendency of the case and for five years after the filing of the document.

A lawyer or a party who disputes the authenticity of a signature on an electronically-filed document must file an objection to the signature within 14 days after the lawyer or party receives the NEF. If no timely objection is filed, the court will presume the signature to be authentic.

j. When Electronic Filings Can be Made; Official Filing Date and Time. Unless contrary to the specific requirements of these rules or an order of the court, an electronic filing can be made on any day of the week, including holidays and weekends, and at any time

of the day or night. The NEF generated by the ECF system when the document is filed and docketed will record the date and time of the filing of the document in local time for the State of Iowa. This date and time will be the official filing date and time of the document regardless of when the filer actually transmitted the document to the Clerk of Court.

Unless contrary to an order entered by the court establishing a time of day as part of a deadline for filing a document in a case, a document is timely filed if it is filed before midnight on the date on which the filing is due.

E–mailing a document to the Clerk of Court or to the court does not constitute "filing" of the document. A document is not filed electronically for purposes of the Federal Rules of Civil, Criminal, or Appellate Procedure until the ECF system generates an NEF for the document.

k. Service of Documents Filed Electronically.

1. Electronic Service. Electronic service through the ECF system is hereby authorized pursuant to Federal Rule of Civil Procedure 5(b)(2)(D). A registration form signed by a person registering for the ECF system constitutes a request for, and consent to, electronic service of court orders and judgments and documents filed electronically by other parties. Electronic service of documents will be by electronic notice to the recipient's e–mail address on the ECF system.

When a document is filed electronically, it will be served electronically through the ECF system on all persons who have appeared in the case and are ECF system registrants. No other service on such persons is required. Electronic service of a document is complete when an NEF for the document is produced and transmitted by the ECF system. Electronic service is not effective, however, if the filer learns that the NEF did not reach the person to be served.

A certificate of service must be filed for all documents required to be served by Federal Rule of Civil Procedure 5(a), including documents filed electronically. (*See* Fed. R. Civ. P. 5(d) and LR 5.1.a.)

2. Service on Nonparticipants in the ECF System. Electronic filers are responsible for serving parties who are not participants in the ECF system in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A), (B), or (C) or Federal Rule of Criminal Procedure 49(b).

l. Technical Failures.

1. Jurisdictional Filing Deadline. Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. (*See, e.g.,* Fed. R. Civ. P. 6(b).) It is the filer's responsibility to ensure, by whatever means necessary, that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of the ECF system, will not excuse the filer from compliance with a jurisdictional deadline.

2. Nonjurisdictional Filing Deadline. If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer must file the document using the earliest available electronic or non-electronic means. The filing of the document will be accepted by the court as timely unless the presiding judge determines that the untimely filing of the document should not be excused.

m. Access to Electronic Case Files. Any person may access the court's public electronic case files. To do so from a location outside the Clerk of Court's office, the person first must obtain a password and an account for the payment of fees. Access to electronic case files is subject to the payment of fees as authorized by the Judicial Conference of the United States Courts. Information about public access to electronic case files may be obtained from the Clerk of Court, and is posted on the court's web site at the web address in Local Rule 1.1.i.

In each staffed courthouse in the district, the Clerk of Court will maintain at least one public access terminal from which the court's electronic case files may be accessed by members of the public at no charge. Conventional and certified copies of documents filed electronically may be purchased at the Clerk of Court's office during business hours. The fee for copying and certification will be as established by the Judicial Conference of the United States Courts.

n. Certification of Documents by the Clerk of Court. The Clerk of Court may certify documents by digital signature and seal.

LR 6.1 ADDITIONAL TIME AFTER ELECTRONIC SERVICE

The three-day mailing rule in Federal Rule of Civil Procedure 6(e) also applies to documents served electronically. (*See* Fed. R. Civ. P. 5(b)(2)(D).) Thus, whenever a party is required to do something within a prescribed period after service, and service is completed electronically under Local Rule 5.3.k.1, a period of three days is added to the prescribed period, unless contrary to the specific requirements of an order of the court.

The three-day mailing rule applies only to deadlines precipitated by the service of a notice or other paper, and does not extend other deadlines established by the Federal Rules of Civil, Criminal, and Appellate Procedure; a Local Rule; an order; or a statute.

LR 7.1 MOTIONS AND OTHER REQUESTS FOR COURT ACTION

a. Motion. The term "motion," as used in the Local Rules, includes the following:

1. All motions, whether civil or criminal; and

2. All other applications or requests for court action.

b. Form of Motions and Filing Requirements.

1. All motions must be in writing (*see* LR 1.1.m) and must be served upon all other parties.

2. A motion must not be electronically attached to another electronically-filed document (except in the case of a motion for leave to file another motion, where the proposed motion must be electronically attached to the motion for leave).

3. A motion must contain citations to all statutes or rules under which the motion is being made.

4. All motions, briefs, and other supporting documents more than one page in length must be numbered at the bottom of each page. (*See* LR 10.1 for further formatting requirements.)

c. Oral Argument. A motion will be decided without oral argument unless the court orders otherwise. A request for oral argument must be noted separately in both the caption and the conclusion of the motion or resistance to the motion, and must be supported by a showing of good cause.

d. Briefs on Motions. For every motion, the moving party must prepare a brief containing a statement of the grounds for the motion and citations to the authorities upon which the moving party relies, except no brief is required for the following motions:

1. To amend a scheduling order and discovery plan;

2. To extend a deadline or continue any proceeding before the court;

3. For permission to file a brief longer than the length prescribed in the Local Rules;

4. For appointment of a next friend or guardian ad litem;

5. To compel discovery responses when no responses have been made (but the movant must comply with the requirements of Local Rule 37.1);

6. To substitute or withdraw counsel;

7. To substitute a party;

8. To amend or supplement a motion, brief, or other document.

A brief must be filed as an electronic attachment to the motion it supports under the same docket entry as the motion. If a brief is not filed on the same day as the motion it supports, it may be stricken by the court as untimely.

If a motion is premised upon a Federal Rule of Civil or Criminal Procedure that permits consideration of facts not appearing of record, then the moving party must electronically attach to the motion, and file under the same docket entry as the motion, any affidavits, other sworn materials, photographs, or documentary evidence upon which the moving party relies.

e. Resistances to Motions. Each party resisting a motion must, within 14 days after the motion is served, file a brief containing a statement of the grounds for resisting the motion and citations to the authorities upon which the resisting party relies, except a resistance to a motion for summary judgment must be filed in accordance with the deadline prescribed in Local Rule 56.1.b.

If the resistance requires the consideration of facts not appearing of record and the applicable Federal Rule of Civil or Criminal Procedure permits consideration of facts not appearing of record, the resisting party must electronically attach to the resistance, and file under the same docket entry as the resistance, any affidavits, other sworn materials, photographs, or documentary evidence upon which the moving party relies.

A resistance to a motion may not include a separate motion or a cross-motion by the responding party. Any separate motion or cross-motion must be filed separately as a new motion.

If a motion appears to be noncontroversial, or if circumstances otherwise warrant, the court may elect to rule on a motion without waiting for a resistance or response. Any party may, within 10 days after any such order is entered, file a motion for reconsideration of the order.

f. Unresisted Motions. If no timely resistance to a motion is filed, the motion may be granted without notice. If a party does not intend to resist a motion, the party is encouraged to file a statement indicating the motion will not be resisted.

g. Reply Briefs. Ordinarily, reply briefs are unnecessary, and the court may elect to rule on a motion without waiting for a reply brief. However, the moving party may, within five court days after a resistance to a motion is served, file a reply brief, not more than five pages in length, to assert newly-decided authority or to respond to new and unanticipated arguments made in the resistance. In the reply brief, the moving party must not reargue points made in the opening brief. A reply brief may be filed without leave of court.

h. Length of Briefs. Except for trial briefs, briefs on the merits in Social Security benefits cases, and briefs supporting or resisting habeas corpus applications, a brief may not be more than 20 pages in length unless some other page limitation is specifically prescribed in the Local Rules.

A party may request leave to file a brief longer than the length prescribed in the Local Rules by filing a motion containing a statement demonstrating good cause for the proposed length. The brief must be electronically attached to the motion and filed under the same docket entry, and if the motion is granted, the Clerk of Court will detach, file, and docket the brief.

i. Form of Briefs. A brief must be as concise as the issues briefed reasonably permit, and must address only the particular facts and legal issues under consideration. All briefs must conform with the requirements of Local Rule 10.1. A brief more than 10 pages in length must include, on the first page, a subject matter table of contents.

j. Expedited Relief. If expedited relief is requested in a pleading or motion, the caption of the document must include a clear indication that expedited relief is being requested. At the time such a pleading or motion is filed, counsel must alert the assigned federal judge immediately that the pleading or motion has been filed and that expedited relief is being requested.

k. Motions to Continue or to Extend a Deadline. A motion to continue a scheduled matter or to extend a deadline must include the following information:

1. The existing date or deadline sought to be continued or extended;

2. The new date or deadline requested;

3. Whether the deadline has been extended previously;

4. All other existing court-imposed deadlines; and

5. The date of any scheduled final pretrial conference and trial.

l. Required Statement of Other Parties' Positions in Non-Dispositive Motions. All non-dispositive motions must contain a representation that counsel for the moving party

has conferred in good faith with counsel for all other parties and any pro se parties concerning the motion, and a statement of whether or not the other parties consent to the motion. Non-dispositive motions include, *inter alia*: **(1)** motions to continue a scheduled matter or to extend a deadline; **(2)** motions to amend pleadings; **(3)** motions to add or substitute parties; and **(4)** motions for remand in Social Security appeals pursuant to sentence six of 42 U.S.C. § 405(g). If the moving party has not conferred with another party, the motion must contain a description of the efforts made to consult with the party and an explanation of why the efforts were unsuccessful.

LR 10.1 FORM OF DOCUMENTS FILED WITH THE COURT; CITATIONS TO STATUTES; PERSONAL IDENTIFIERS

a. Size. All documents filed with the court in paper form must be on 8.5 inch x 11 inch size paper. All electronic filings must be similarly formatted.

b. Form. All documents filed with the court must be in the following form:

1. Double spaced;

2. Printed on only one side of the page; and

3. Have a top margin of at least one inch on each page.

Documents more than one page in length must be numbered at the bottom of each page. Exhibits included in an appendix or attached to a pleading, motion, or brief must be imaged or reproduced in a clear, legible, and high-quality form.

c. Documents Filed in Paper Form. To facilitate electronic imaging, a document filed non-electronically must be delivered to the Clerk of Court with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or delivered to the Clerk of Court in an expandable file folder, except as follows:

1. Transcripts may be bound.

2. If a document is more than 200 pages in length, it may be bound or in a notebook, but it must be reproduced on one side of the page.

3. Copies of exhibits may be provided to the court in a notebook.

d. Captions. Captions of filings must include the district and division in which the case is filed, the case number, the names of the litigants in the manner prescribed in Federal Rule of Civil Procedure 10(a), and a designation of the content, and must specify clearly the party filing the document.

e. Citations to Statutes. All citations to statutes in motions, briefs, pleadings, and other requests for court action must refer to the United States Code or to the appropriate state code and not to a common name or designation for a statutory provision. For example, parties should not cite to the Internal Revenue Code or the Bankruptcy Code, but to the statutory equivalent in the United States Code. Citations in electronically filed documents should not contain hyperlinks.

f. Consolidated Cases. If two or more cases have been consolidated, the caption on all filings in the cases must be in the name of the lead case, but also must include the case numbers of all other member cases. If two or more cases have been consolidated for pretrial purposes only, the caption on all filings in the cases must include the full captions of all member cases.

g. Return of Copies by Mail. If a party requests that a copy of a document filed in paper form be returned by mail, the party must deliver to the Clerk of Court a self-addressed, stamped envelope, with proper postage, and large enough to accommodate the requested copy.

h. Personal Data Identifiers. Unless otherwise required by law, a party filing a document containing personal data identifiers should, unless the document is filed under seal, modify or partially redact the document to prevent disclosure of the identifiers. Personal data identifiers include the following:

1. Social Security numbers;

2. Financial account numbers;

3. Dates of birth; and

4. Names of minor children.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document. If an individual's date of birth is necessary, only the year should be used. If a minor child must be mentioned, only that child's initials should be used. If an address must be given, only the city or county and state should be used.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

1. Other personal identifying numbers, such as driver's license numbers;

2. Information concerning medical treatment or diagnosis;

3. Employment history;

4. Personal financial information;

5. Proprietary or trade secret information;

6. Information concerning a person's cooperation with the government;

7. Information concerning crime victims;

8. Sensitive security information; and

9. Home addresses.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made.

i. Notification by Clerk of Court. After a civil case is filed, the Clerk of Court will provide the plaintiff with a copy of section "h" of this rule and a "notice of public availability of case file information." A copy of this notice is attached to these rules as appendix B. The plaintiff must attach a copy of section "h" of this rule and the notice to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with a copy of the rule or the notice does not excuse the party from compliance with the Local Rules. Counsel are strongly urged to share the notice with their clients so informed decisions may be made about the inclusion, redaction, or exclusion of sensitive information in documents that will be available to the public as part of a public case file.

LR 11.1 SIGNING OF FILINGS

A filing must be signed by the party on whose behalf the filing is made or, if the party is represented by a lawyer, by the lawyer for the party. The following information about the person signing the filing, if applicable, must be typewritten or printed under the person's signature:

a. Name;

b. Law firm;

c. Mailing address;

d. Telephone number;

e. Facsimile number;

f. E–mail address; and

g. The e–mail addresses of any other persons at the law firm who are to be notified of additions or corrections to the ECF docket.

Electronic signatures must conform with the requirements of Local Rule 5.3.h. If more than one lawyer has appeared on behalf of a party, the filing must identify the lawyer who is lead counsel.

Lawyers are responsible for updating this information promptly on the ECF system. Pro se parties are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

LR 14.1 MOTIONS TO BRING IN THIRD PARTY

A party moving to bring in a third party pursuant to Federal Rule of Civil Procedure 14(a) must electronically attach to the motion and file under the same docket entry the proposed pleading bringing in the third party, and if the proposed third party is to be served with a summons, also must electronically attach to the motion a completed summons for service on the proposed third party. If the motion is granted, the Clerk of Court will detach, file, and docket the proposed pleading, and also will sign, seal, and deliver the summons to the plaintiff.

Local Rule 7.1.l, requiring consultation with the other parties before filing certain motions, applies to motions to bring in a third party.

LR 15.1 MOTIONS TO AMEND PLEADINGS

A party moving to amend or supplement a pleading pursuant to Federal Rule of Civil Procedure 15(a) or (d) must describe in the motion the changes sought, and must electronically attach to the motion and file under the same docket entry the proposed amended or supplemented pleading. An amended or supplemented pleading, whether filed as a matter of course pursuant to Federal Rule of Civil Procedure 15(a) or as an electronic attachment to a motion, must not, except by leave of court, incorporate any prior pleading by reference, but must reproduce the entire new pleading. If a motion to amend or supplement a pleading is granted, the Clerk of Court will detach, file, and docket the proposed pleading.

Except where a pleading may be amended as a matter of course under Federal Rule of Civil Procedure 15(a), Local Rule 7.1.l, requiring consultation with the other parties before filing certain motions, applies to motions to amend or supplement a pleading.

LR 16.1 SCHEDULING ORDER AND DISCOVERY PLAN

a. Timing of Proposed Order and Plan. Within 120 days after the filing of the complaint, all attorneys of record and all unrepresented parties must submit to the Clerk of Court for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan.

The parties must confer to complete the proposed scheduling order and discovery plan as soon as practicable, but at least 14 days before the proposed scheduling order and discovery plan is due.

b. Completion of Proposed Order and Plan. The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for preparing and filing a proposed scheduling order and discovery plan. The proposed scheduling order and discovery plan must be filed on the form supplied by the Clerk of Court, and must contain all of the information requested in the form. The form may be downloaded from the court's web site at the web address given in Local Rule 1.1.i.

c. Dismissal for Failure to Submit Timely Proposed Order and Plan. The failure to submit timely a proposed scheduling order and discovery plan may result in dismissal of the case.

d. Cases Not Subject to Requirement. A proposed scheduling order and discovery plan must be submitted in all civil cases, except for the following:

1. An action for judicial review based on an administrative record, such as a Social Security benefits case or a claim-review case brought under the Employee Retirement Income Security Act of 1974;

2. A petition, application, or motion for habeas corpus, or other proceeding to challenge a criminal conviction or sentence;

3. An action brought without counsel by a person in custody of the United States, a state, or a state subdivision;

4. An action to enforce or quash an administrative summons or subpoena;

5. An action by the United States to recover benefit payments;

6. An action by the United States to collect on a student loan guaranteed by the United States;

7. A proceeding ancillary to proceedings in other courts;

8. An action to enforce an arbitration award;

9. A foreclosure or civil forfeiture action filed by the United States;

10. An IRS summons enforcement action; and

11. Any other class of cases so designated by order of the court.

e. Scheduling Conference. After reviewing the proposed scheduling order and discovery plan, the magistrate judge may issue the Rule 16(b) and 26(f) scheduling order and discovery plan, either as submitted or with revisions, or may set a scheduling conference. Nothing in this rule precludes the parties from requesting a scheduling or planning conference with the magistrate judge at any time.

f. Requests for Extensions of Deadlines. The deadlines established by the Rule 16(b) and 26(f) scheduling order and discovery plan will be extended only upon written motion and a showing of good cause. A motion to extend a Rule 16(b) and 26(f) scheduling order and discovery plan deadline must comply with Local Rule 7.1.l. A motion containing a request for an extension of a discovery deadline also must contain the following:

1. A description of the discovery not completed;

2. A description of the discovery that has been completed;

3. An explanation of why all discovery cannot be completed by the existing deadline;

4. A statement of when discovery will be completed; and

5. A statement of whether the moving party believes the requested extension will affect any scheduled trial date.

g. Notification by Clerk of Court. After a civil case subject to this rule is filed, the Clerk of Court will provide the plaintiff with the following:

1. A copy of this rule;

2. The instructions and worksheet for the scheduling order and discovery plan; and

3. A scheduling order and discovery plan form.

The plaintiff must attach a copy of the rule to each service copy of the summons and complaint.

Any failure of the Clerk of Court or the plaintiff to provide a party with any of these documents does not excuse the party from compliance with the Local Rules.

h. Dispositive Motion Deadline. The deadline in the proposed scheduling order and discovery plan for filing dispositive motions must be at least 120 days before the proposed ready-for-trial date.

i. Deadlines in Actions for Judicial Review Based on Administrative Record. In actions for judicial review based on an administrative record, such as claim-review cases brought under the Employee Retirement Income Security Act of 1974, within 90 days after the filing of the complaint, all attorneys of record and all unrepresented parties must confer and submit to the Clerk of Court for approval by a magistrate judge a proposed scheduling order setting forth deadlines for the filing of the administrative record and briefs. This section does not apply to Social Security benefits cases, which are scheduled *sua sponte* by the court.

j. Sanctions. The failure to comply with a deadline established in the Rule 16(b) and 26(f) scheduling order and discovery plan may result in sanctions, including the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other documents, the denial of oral argument, and the imposition of attorney fees and costs.

LR 16.2 FINAL PRETRIAL CONFERENCE

a. Representation at Final Pretrial Conference. Each party not proceeding pro se must be represented at any final pretrial conference by a lawyer who will participate in the trial, is familiar with the facts of the case, and has full authority to act on behalf of the party. All pro se parties also must appear.

b. Final Pretrial Conference Procedure. If a final pretrial conference is ordered in a civil case, the following pretrial conference procedures will apply. Before the final pretrial conference, any unrepresented parties and counsel for all represented parties must confer to prepare and sign a proposed final pretrial order in the form supplied by the court. If the plaintiff is represented, the plaintiff's counsel has the responsibility for initiating the conference to prepare the proposed final pretrial order, but if the plaintiff is proceeding pro se, the lawyer for the defendant must initiate the conference. All parties have a duty to ensure the proposed final pretrial order is prepared properly. The proposed final pretrial order must be submitted to the court at least one court day before the date of the final pretrial conference. With prior permission from the federal judge holding the final pretrial conference, the conference may be conducted by telephone, but only when the parties have submitted to the court, at least two court days before the date of the conference, the following: **(1)** a fully and properly completed proposed final pretrial order; and **(2)** a request for a telephonic final pretrial conference. When listing witnesses in the proposed final pretrial order, the parties should exercise caution about personal data identifiers. (*See* LR 10.1.h.)

c. Identification of Witnesses and Exhibits. The pretrial disclosure of witnesses and exhibits required by Local Rule 83.7.b and Federal Rule of Civil Procedure 26(a)(3)(A), (B), and (C) must be served at least 21 days before the final pretrial conference. These disclosures should not be filed.

d. Trial Briefs. Trial briefs must be filed before the final pretrial conference.

LR 16.3 ALTERNATIVE DISPUTE RESOLUTION (ADR)

a. Authorization of ADR. Pursuant to 28 U.S.C. § 651, the court authorizes the use of ADR in civil cases, including adversary proceedings in bankruptcy. The court's primary ADR procedure is private mediation. Alternatively, the court may, either upon the request of a party or on its own initiative, schedule a court-sponsored settlement conference, in a mediation format, to be held by a federal judge or some other qualified neutral person. In appropriate cases, and with the consent of the parties, the court may facilitate other forms of ADR, as authorized by 28 U.S.C. §§ 654-658.

b. Judicial Function. Any participation by a federal judge in an ADR procedure is a judicial function of the court.

c. Designation of Cases. The court may schedule a settlement conference whenever the court concludes that the nature of the case, the amount in controversy, or the status of the case indicates a settlement conference might be beneficial. Additionally, the parties should consider the use of ADR at every appropriate stage in the litigation. Upon the request of any party, which may be made ex parte and at any stage of the proceedings, the court will consider scheduling a settlement conference.

d. Conflicts. If a party believes a federal judge or other neutral person conducting a court-sponsored ADR proceeding should be disqualified from conducting the proceeding for any reason, the party must notify the court of the reason promptly, and if the court agrees, the court will appoint some other federal judge or other neutral person to conduct the proceeding. A federal judge who conducts an ADR proceeding is governed by the standards for disqualification and recusal set forth in 28 U.S.C. §§ 144 and 455.

e. Confidentiality. Neither the settlement judge nor any other neutral person conducting a court-sponsored settlement conference will inform the trial judge of any positions taken by the parties during an ADR proceeding, but will advise the trial judge only as to whether the case has settled. The trial judge ordinarily will not serve as the settlement judge.

All written and oral statements made by participants or their representatives during or in relation to a court-sponsored ADR proceeding are confidential. Any written submissions in connection with a court-sponsored ADR proceeding must be sent directly to the settlement judge or other neutral person conducting the proceeding, and not filed. Disclosure of confidential ADR communications is prohibited, except as authorized by the court or agreed to by the parties. The ADR process itself is confidential and not open to the public.

Neither a federal judge nor any other neutral person who conducts a court-sponsored ADR proceeding may be called to testify in connection with any dispute concerning the proceeding or its result without the written agreement of the parties and either the federal

judge or the other neutral person who conducted the proceeding, except as otherwise required by law.

f. Administration. Each district will designate an ADR program administrator to implement, oversee, and evaluate the district's ADR program. Parties and counsel may contact the Clerk of Court for more information about the district's ADR programs, or with any comments or complaints.

LR 23.1 CLASS AND REPRESENTATIVE ACTIONS, DERIVATIVE ACTIONS, AND ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS

a. Class and Representative Actions. In any action brought as a class or representative action, the party seeking to maintain the action as a class or representative action must, within 180 days after commencement of the action, file a separate motion for certification. The motion must include a proposal for the appointment of class counsel, unless such a proposal has been included in an earlier-filed motion. If the action is brought under Federal Rule of Civil Procedure 23, the motion and documents supporting the motion must do the following:

1. Set forth with particularity the facts relied upon to satisfy the prerequisites of Federal Rule of Civil Procedure 23(a);

2. Fully articulate one or more of the additional requirements for maintenance of a class action that are set forth in Federal Rule of Civil Procedure 23(b); and

3. If the motion includes a proposal for the appointment of class counsel, set forth with particularity the information the court must consider in assessing proposed class counsel's ability to represent the interests of the class fairly and adequately, as set forth in Federal Rule of Civil Procedure 23(g)(1)(C).

b. Derivative Actions. In any derivative action brought under Federal Rule of Civil Procedure 23.1 by one or more shareholders or members to enforce the rights of a corporation or an unincorporated association, the party bringing the action must, within 180 days after commencement of the action, file a certification setting forth with particularity why the plaintiff fairly and adequately represents the interests of the similarly situated shareholders or members in enforcing the rights of the corporation or association.

c. Actions Related to Unincorporated Associations. In any action brought under Federal Rule of Civil Procedure 23.2 by or against the members of an unincorporated association as a class by naming certain members as representative parties, the parties bringing the action must, within 180 days after commencement of the action, file a certification setting forth with particularity why the representative parties will fairly and adequately protect the interests of the association and its members.

LR 24.1 CONSTITUTIONAL CHALLENGES

In any case where a party is challenging the constitutionality of a federal or state law and the interests of the United States or the state, respectively, are not being represented in the litigation, the party making the constitutional challenge must immediately file a separate notice advising the court of the constitutional challenge. The notice must contain the following information:

a. A statement that a constitutional challenge to a federal or state law is being asserted;

b. An identification of the specific federal or state law being challenged; and

c. A concise statement of the basis for the constitutional challenge.

The court then will certify the matter to the appropriate attorney general, as required by 28 U.S.C. § 2403 and Federal Rule of Civil Procedure 24(c).

LR 26.1 PRETRIAL DISCOVERY AND DISCLOSURES

a. Fed. R. Civ. P. 26(a)(1): Initial Disclosures. Unless otherwise stipulated by the parties, or unless a party objects to making the disclosures or to the timing of the disclosures, the parties must make the Federal Rule of Civil Procedure 26(a)(1) initial disclosures within 14 days after the conference held pursuant to Federal Rule of Civil Procedure 26(f) and section "d" of this rule. Any objections to making the initial disclosures or to the timing of the initial disclosures must be made during the Rule 26(f) conference and memorialized with particularity in a document filed within 14 days after the scheduling order and discovery plan is filed.

Initial disclosures must not be filed with the Clerk of Court unless filing is required specifically by the Federal Rules of Civil Procedure or by Local Rules 37.1.b or 56.1. Initial disclosures are not required in cases where, under Local Rule 16.1.d, no scheduling order and discovery plan is required to be submitted.

b. Fed. R. Civ. P. 26(a)(2)(A) and (B): Disclosure of Expert Testimony. Unless otherwise stipulated by the parties, the parties must, on or before the deadlines for disclosing expert witnesses established by the Rule 16(a) and 26(f) scheduling order and discovery plan, disclose their expert witnesses in accordance with the requirements of Federal Rule of Civil Procedure 26(a)(2)(A) and (B).

Expert witness disclosures must not be filed with the Clerk of Court unless filing is required specifically by the Federal Rules of Civil Procedure or by Local Rules 37.1.b or 56.1.

c. Fed. R. Civ. P. 26(a)(3): Pretrial Disclosures. Witness and exhibit disclosures under Federal Rule of Civil Procedure 26(a)(3)(A), (B), and (C) must be served at least 21 days before the final pretrial conference, as required by Local Rule 16.2.c. These disclosures need not be filed. Objections to these disclosures must be made in the proposed final pretrial order submitted pursuant to Local Rule 16.2.b.

d. Fed. R. Civ. P. 26(f): Meeting of Parties. At least 14 days before the proposed scheduling order and discovery plan is due pursuant to Local Rule 16.1.a, the parties must, as required by Federal Rule of Civil Procedure 26(f), confer to do the following:

1. Consider the nature and bases of their claims and defenses and the possibilities for a prompt settlement or resolution of the case;

2. Make or arrange for the disclosures required by Federal Rule of Civil Procedure 26(a)(1); and

3. Develop a proposed discovery plan.

Unless otherwise stipulated by the parties, the Rule 26(f) discovery plan conference should be combined with the Rule 16(b) scheduling order conference.

e. Discovery Plan. The Federal Rule of Civil Procedure 26(f) requirement that the parties submit to the court a written report outlining their discovery plan is satisfied by the submission to the Clerk of Court of a properly completed scheduling order and discovery plan form.

LR 30.1 RECORDING OF DEPOSITIONS

A party intending to record a deposition by means other than, or in addition to, stenographic reporting must, at least five court days before the date of the scheduled deposition, serve on all other parties a notice of deposition containing a statement of such intent that identifies the method by which the deponent's testimony will be recorded.

LR 33.1 FORM OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS

Parties answering interrogatories under Federal Rule of Civil Procedure 33 or requests for admissions under Federal Rule of Civil Procedure 36 must repeat the respective interrogatories or requests for admissions immediately preceding the answers. To facilitate this rule, a party propounding interrogatories or requests for admissions must leave a reasonable space for an answer immediately following each interrogatory or request for admission; however, the parties are encouraged to include more than one interrogatory and request for admission on each page. The propounding party also is encouraged to provide the discovery requests to the answering party via e–mail or on a standard computer disk in a compatible word processing format.

LR 37.1 DISCOVERY DISPUTES – MOTIONS TO COMPEL

a. Declaration Required. No motion relating to discovery may be filed unless counsel for the moving party electronically attaches to the motion a declaration, subscribed under penalty of perjury pursuant to 28 U.S.C. § 1746, attesting to the following:

1. Counsel, in good faith, has conferred personally with counsel for the opposing party in an attempt to resolve or narrow by agreement the issues raised by the motion;

2. The lawyers have been unable to reach an agreement; and

3. The nature of the disagreement.

In the alternative, counsel for the moving party may certify in a written declaration, subscribed under penalty of perjury pursuant to 28 U.S.C. § 1746, that a personal conference with opposing counsel was impossible, and describe the efforts undertaken to schedule the conference. An exchange of written communications or a single telephone message will not, by itself, satisfy the requirements of this section.

No declaration is required under this rule where one party to the discovery dispute is proceeding pro se.

b. Attachments to Motions. A party filing a motion objecting to a discovery request or to the sufficiency of a response to a discovery request must attach to the motion a copy of the disputed request and any response.

c. Deadline for Motions to Compel. Motions to compel must be filed as soon as practicable. In any event, except for good cause shown, motions to compel must be filed within 14 days after the discovery deadline.

LR 38.1 JURY DEMAND

Any party may demand a jury trial of any issue that is triable by a jury by doing the following:

1. Within 10 court days after service of the last pleading directed to such issue, serving upon the other parties a written jury demand; and

2. Filing the demand with the Clerk of Court.

A jury demand may be included in a pleading, but must be noted separately both in the caption and at the conclusion of the pleading.

LR 41.1 DISMISSALS OF ACTIONS

a. Voluntary Dismissals. Civil actions may be dismissed without an order of the court in two circumstances:

1. Where the plaintiff files a notice of dismissal before service by the adverse party of either an answer or a motion for summary judgment; or

2. Where a stipulation of dismissal signed by all parties who have appeared in the action is filed with the Clerk of Court.

b. Involuntary Dismissals. After giving the parties the notice prescribed in section "d" of this rule, the Clerk of Court will, in the following circumstances, enter an order dismissing a civil action without prejudice:

1. Where service has not been made on any defendant within 120 days after the filing of the complaint, and the plaintiff has failed to file a statement in writing within 127 days after the filing of the complaint setting forth good cause for why service has not been made; or

2. As to a particular defendant, where service has been made upon that defendant and neither an answer nor a request for other action has been filed as to that defendant within 30 days after the date the answer was due; or

3. Where a default has been entered and a motion for entry of judgment by default in accordance with Federal Rule of Civil Procedure 55 has not been made within 30 days after the entry of default, unless the plaintiff advises the Clerk of Court that further court action is necessary before a default judgment can be sought; or

4. Where a deadline set for the performance of any act required by the Federal Rules of Civil Procedure, the Local Rules, or an order of the court has been exceeded by more than 30 days and an extension of time has been neither requested nor granted.

c. Dismissal of Settled Cases. The Clerk of Court may, for internal statistical purposes, immediately close a case upon being advised by one or more of the parties that the action has been settled. Within 30 days after advising the court that an action has been settled, the parties must file such documents as are required to terminate the action. If the parties fail to do so, the Clerk of Court may, after giving the parties the notice prescribed in section "d" of this rule, enter an order dismissing the action with prejudice.

Either party may seek reinstatement of a case dismissed under this section within 60 days after the date of the dismissal order by serving and filing a motion to reinstate the

case. The motion must show good cause as to why the settlement was not consummated. This paragraph does not diminish any obligation of a party to perform under an otherwise enforceable settlement agreement.

d. Notification by Clerk of Court. At least 14 days before dismissing a case pursuant to section "b" or "c" of this rule, the Clerk of Court will mail or electronically transmit a notice and a copy of this rule to all counsel of record and any pro se parties. The notice will state that the case will be dismissed unless, by the deadline specified in the notice, either the required action is taken or good cause is shown for not dismissing the case.

This rule does not restrict the authority of the court to dismiss a case, with or without prejudice, for good cause. Good cause could include the failure of a party to comply with the Federal Rules of Civil Procedure, the Local Rules, or an order of the court.

LR 43.1 INTERPRETERS

Local Criminal Rule 28.1, prescribing the procedures for obtaining interpreters and the rules governing their conduct, applies in civil cases.

LR 47.1 CONTACT WITH JURORS

Except by leave of court, no party or lawyer, and no other person acting on their behalf, may contact, interview, examine, or question any trial juror or potential trial juror before, during, or after a trial concerning the juror's actual or potential jury service.

LR 47.2 JURY SELECTION

a. Procedures for Jury Selection. Jury selection in civil cases will be in accordance with this rule, Federal Rule of Civil Procedure 47, and 28 U.S.C. § 1870.

b. Participation by the Parties in Jury Selection. In both civil and criminal jury cases, the federal judge empaneling the jury may conduct the examination of prospective jurors without any participation by the parties or their lawyers, or may, in his or her discretion, permit the parties or their lawyers either to supplement the court's examination or to conduct the examination themselves.

c. Requested Voir Dire. Where the court conducts all or part of the examination, the parties may, by the deadline established in the pretrial orders of the court, file written requested voir dire questions. If no such deadline is established in a pretrial order, requested voir dire questions must be filed at least three court days before jury selection.

LR 48.1 CIVIL JURIES

a. Size. Civil juries will be composed of between six and twelve jurors, in the discretion of the presiding judge. If any jurors are discharged during the trial, the case will be tried and submitted to all of the remaining jurors, so long as at least six jurors remain. There will be no alternate jurors.

b. Unanimous Verdict. A verdict by a jury must be unanimous.

c. Stipulations. The parties may stipulate to a less-than-unanimous verdict or to a verdict by fewer than six jurors, or both.

LR 49.1 SEALED VERDICTS

The presiding judge may use a sealed verdict in any civil case. Where a sealed verdict is to be returned, when the jury reaches its verdict, the foreperson will place the verdict form in an envelope supplied by the court marked "sealed verdict" and seal the envelope. The foreperson then will give the envelope, together with any exhibits, to the court security officer, who promptly will deliver the envelope and the exhibits to the presiding judge or to the Clerk of Court.

LR 51.1 JURY INSTRUCTIONS AND DELIBERATIONS

a. Requested Jury Instructions. Requested instructions must be submitted in the following form:

1. Caption. A title page must be attached showing the caption of the case and the name of the submitting party.

2. Table of Contents. The requested instructions must be prefaced by a table of contents.

3. Numbering. Each requested instruction must be numbered and must commence on a separate page.

4. Authorities. Any authorities in support of a requested instruction must be included at the bottom of the page of the requested instruction.

5. Pattern Instructions. A party may request any pattern jury instruction prepared by or for the Iowa courts or any federal court by citing to the instruction, and need not reproduce the instruction in the request.

Examples of instructions used by the court's federal judges may be found on the court's web site at the web address given in Local Rule 1.1.i.

The parties also are encouraged to submit requested jury instructions via e–mail or on a standard computer disk in a format compatible with WordPerfect, which is a "Save As" option in most word processing software.

b. Jury Deliberations.

1. Availability During Deliberations. Until a verdict is reached and the jury is discharged, the lawyers and pro se parties must be readily available to the court. When the jury begins to deliberate, each lawyer and pro se party must advise the court of where they can be located in the courthouse, or if they intend to leave the court-house, of a telephone number where they can be reached without delay.

2. Notification. If the jury has a question, or if some other issue arises during jury deliberations, and the court determines the issue merits a conference with the parties, the court will attempt to notify the lawyers and any pro se parties. If a lawyer or pro se party is not available within 20 minutes, he or she will be deemed to have waived the right to participate in the proceedings concerning the issue.

LR 54.1 TAXATION AND PAYMENT OF COSTS

a. Procedure for Taxation of Costs.

1. District Court Before Appeal (Fed. R. Civ. P. 54(d)).

A. Completion of Forms. Within 14 days after entry of judgment, a party entitled to recover costs must complete and file a form A.O. 133. Failure to file the form by this deadline constitutes a waiver of the right to have costs taxed.

B. Forms Supplied by Clerk of Court. Upon request, the Clerk of Court will provide a copy of form A.O. 133 to any party, or a copy of the form may be downloaded from the court's web site at the web address given in Local Rule 1.1.i.

C. Resistance to Taxation. A party opposing the taxation of costs must file a resistance to the A.O. 133 within 14 days after service of the form, plus an additional three days under Local Rule 6.1 and Federal Rule of Civil Procedure 6(e) if the form is served electronically or by mail.

D. Taxation by Clerk of Court. After any resistance is filed, or if no resistance is filed, then on or after 18 days after service of the form, the Clerk of Court will tax the costs in the amount the Clerk of Court deems appropriate.

E. Review. Either party may seek review of the Clerk of Court's taxation of costs in accordance with Federal Rule of Civil Procedure 54(d).

2. Circuit Court (Fed. R. App. P. 39(d)). Any costs taxed in the mandate of the circuit court will be entered promptly by the Clerk of Court.

3. Costs on Appeal Taxable in District Court (Fed. R. App. P. 39(e)). All costs on appeal taxable in the district court pursuant to Federal Rule of Appellate Procedure 39(e) are waived unless, within 21 days after the issuance of the mandate by the circuit court, the party entitled to those costs either includes them on a form A.O. 133 and files the form with the Clerk of Court or otherwise files a document with the Clerk of Court requesting taxation of these costs.

b. To Whom Payable. All costs taxed are payable directly to the party entitled to those costs and not to the Clerk of Court, except in suits for civil penalties for violations of criminal statutes and suits involving the United States not handled by the United States Department of Justice.

LR 54.2 ATTORNEY FEES

a. Time and Content of Motions for Award of Attorney Fees. All postjudgment motions for an award of attorney fees must be filed within the time prescribed by Federal Rule of Civil Procedure 54(d)(2)(B). The claimed amount must be supported by an itemization that includes a detailed listing of the time claimed for each specific task and the hourly rate claimed. The itemization also must include a separate summary indicating the total time spent performing each of the following major categories of work:

1. Drafting pleadings, motions, and briefs;

2. Legal research;

3. Investigation;

4. Interviewing;

5. Trial preparation; and

6. Trial.

Expenses must be itemized separately.

b. Equal Access to Justice Act. An application for attorney fees and expenses under the Equal Access to Justice Act must conform with the requirements of 28 U.S.C. § 2412(d)(1)(B). In the application, the applicant must specifically identify the positions taken by the government in the case that the applicant alleges were not substantially justified.

In all Social Security benefits cases where the plaintiff is the prevailing party, within 30 days after entry of final judgment, counsel for the plaintiff must, pursuant to this section and Federal Rule of Civil Procedure 54(d)(2)(B), file one of the following: **(1)** an application for attorney fees and expenses on behalf of the plaintiff, or **(2)** a statement certifying that counsel has searched the record and has determined the positions taken by the government in the case were substantially justified.

c. Appeals from Agency Determinations. A petition pursuant to 5 U.S.C. § 504(c)(2) for leave to appeal an agency fee determination must be filed within 30 days after the entry of the agency's order, with proof of service on all other parties to the agency proceeding. The petition must include the following:

1. A copy of the order to be reviewed;

2. A copy of any findings of fact, conclusions of law, and opinions entered in or relating to the agency proceeding;

3. A statement of the facts necessary to an understanding of the petition; and

4. A memorandum showing why the petition for permission to appeal should be granted.

Any answer must be filed within 30 days after service of the petition. The petition and any answer will be submitted without further briefing and without oral argument.

LR 56.1 SUMMARY JUDGMENT

a. Moving Party's Documents. When moving for summary judgment pursuant to Federal Rule of Civil Procedure 56, the moving party must file contemporaneously all of the following:

1. A motion for summary judgment stating concisely, under separate argument headings, each of the grounds for the motion;

2. A brief that conforms with the requirements of Local Rule 7.1.d, filed as an electronic attachment to the motion under the same docket entry;

3. A statement of material facts setting forth each material fact as to which the moving party contends there is no genuine issue to be tried, filed as an electronic attachment to the motion under the same docket entry; and

4. An appendix that conforms with the requirements of section "e" of this rule filed as an electronic attachment to the motion under the same docket entry. (An appendix that is more than 200 pages in length cannot be filed electronically, but must be filed in paper form. *See* LR 5.3.e.2 and subsection e.2 of this rule.)

Each individual statement of material fact must be concise, numbered separately, and supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the statement, with citations to the appendix.

b. Resisting Party's Documents. A party resisting a motion for summary judgment must, within 21 days after service of the motion, file contemporaneously all of the following:

1. A brief that conforms with the requirements of Local Rule 7.1.e in which the resisting party responds to each of the grounds asserted in the motion for summary judgment;

2. A response to the statement of material facts in which the resisting party expressly admits, denies, or qualifies each of the moving party's numbered statements of fact, filed as an electronic attachment to the brief under the same docket entry;

3. A statement of additional material facts that the resisting party contends preclude summary judgment, filed as an electronic attachment to the brief under the same docket entry; and

4. An appendix that conforms with the requirements of section "e" of this rule, filed as an electronic attachment to the brief under the same docket entry. (An appendix that is more than 200 pages in length cannot be filed electronically, but must be filed in paper form. *See* LR 5.3.e.2 and subsection e.2 of this rule.)

A response to an individual statement of material fact that is not expressly admitted must be supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the resisting party's refusal to admit the statement, with citations to the appendix containing that part of the record. The failure to respond, with appropriate citations to the appendix, to an individual statement of material fact constitutes an admission of that fact.

Each individual statement of additional material fact must be concise, numbered separately, and supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the statement, with citations to the appendix containing that part of the record.

c. Unresisted Motion. If no timely resistance to a motion for summary judgment is filed, the motion may be granted without prior notice from the court. If a party does not intend to resist a motion for summary judgment, the party is encouraged to file a statement indicating the motion will not be resisted.

d. Reply to Resisting Party's Documents. The moving party must, within five court days after service of the resisting party's statement of additional facts, file a reply in which the moving party expressly admits, denies, or qualifies each of the resisting party's numbered statements of additional fact. A reply to an individual statement of additional material fact that is not expressly admitted must be supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the moving party's refusal to admit the statement, with citations to the appendix containing that part of the record. The failure to reply, with appropriate citations to the appendix, to an individual statement of material fact constitutes an admission of that fact. At the option of the moving party, the moving party also may, without leave of court, file a reply brief. The reply brief must be in conformity with Local Rule 7.1.g, and must be filed within five court days after service of the brief to which it replies.

If any additional pleadings, depositions, answers to interrogatories, admissions, exhibits, or affidavits are relied upon in the moving party's reply to the resisting party's statements of additional fact or in the moving party's reply brief, then the moving party must file a supplemental appendix that conforms with the requirements of section "e" of this rule, filed as an electronic attachment to the reply brief under the same docket entry. (An appendix that is more than 200 pages in length cannot be filed electronically, but must be filed in paper form. *See* LR 5.3.e.2 and subsection e.2 of this rule.)

e. Appendices. All references to supporting documents in a brief, a statement of material fact, or a resistance or reply to a statement of material fact must be to a specific page number in an appendix. The moving party's appendix must include those pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits upon which the moving party relies in the motion for summary judgment and the supporting documents. The resisting party's appendix must include those parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits not already included in the moving party's appendix upon which the resisting party relies in resisting the motion. The moving party's supplemental appendix must include any additional materials upon which the moving party relies in replying to the resistance that have not already been included either in the moving party's appendix or in the resisting party's appendix. A document included in an appendix must be authenticated properly, by affidavit or in some other lawful manner, or it may not be considered by the court in ruling on a motion for summary judgment.

All appendices must be preceded by a table of contents, and must be numbered **consecutively** at the bottom center or bottom right-hand corner of each page, but the original pagination of any matter, such as transcripts or multi-page documents, also must appear. **Only those portions of materials necessary for a determination of the motion are to be included in an appendix.**

A deposition excerpt reproduced in an appendix must be prefaced by the deposition cover page, and must indicate the identity of the questioner and whether the excerpt is from direct examination, cross-examination, or redirect examination.

1. Appendices Served and Filed Electronically. Within three court days after an appendix is filed electronically, the electronic filer must deliver to the Clerk of Court, for use by the presiding judge, a paper copy of the appendix, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference.

2. Appendices Served and Filed in Paper Form. A party filing an appendix in paper form must file an original and one copy of the appendix with the Clerk of Court, and also must serve copies of the appendix on all other parties. The copy of the appendix delivered to the Clerk of Court will be used by the presiding judge, and must be reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference.

f. Oral Argument. A request for oral argument must be noted separately in both the caption and the conclusion of the motion or resistance to the motion. (*See* LR 7.1.c.)

g. Fed. R. Civ. P. 56(f) Continuance. A request pursuant to Federal Rule of Civil Procedure 56(f) for a continuance of summary judgment proceedings must be by separate

motion, filed within 10 court days after service of the motion for summary judgment, and supported by affidavits, as required by Federal Rule of Civil Procedure 56(f).

h. Actions for Judicial Review Based on Administrative Record. This rule does not apply to actions for judicial review based on an administrative record, such as Social Security benefits cases or claim-review cases brought under the Employee Retirement Income Security Act of 1974.

LR 65.1 PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS

Any party requesting a preliminary injunction or a temporary restraining order, or both, must file a separate motion requesting such relief. In the motion, the moving party must set forth with particularity the facts relied upon in support of the request. The moving party also must comply with the requirements of Federal Rule of Civil Procedure 65 and, with respect to a request for a temporary restraining order, with Local Rule 7.1.j, relating to requests for expedited relief.

LR 67.1 DEPOSIT OF FUNDS WITH COURT

a. Order Required for Deposit. A party desiring to deposit funds with the court pursuant to Federal Rule of Civil Procedure 67 ("registry funds") must file a motion requesting authority to do so, and must electronically attach to the motion, under the same docket entry as the motion, a proposed order granting the motion. If the party desires to have the funds deposited in an income-earning account, the party also must comply with section "c" of this rule.

b. Deposit in Non-Income-Earning Account. Except as provided in section "c" of this rule, the Clerk of Court will deposit registry funds in a non-income-earning account in the Treasury of the United States.

c. Deposit in Income-Earning Account. Upon the motion of a party, the court may order the Clerk of Court to invest certain registry funds in an income-earning account. The motion and any proposed order directing the investment of registry funds in an income-earning account must provide for an investment that will be in compliance with applicable provisions of the law regulating the investment of public monies, must provide for proper disposition of future earnings, and must set out with particularity the following:

1. The form of deposit;

2. The amount to be invested;

3. The type of investment to be made by the Clerk of Court (for example, passbook savings, insured money market fund, or certificate of deposit for specific time);

4. The name and address of the institution where the deposit is to be made;

5. The length of time the money is to be invested;

6. Whether the money should be reinvested automatically, keeping in mind that some investments include a penalty for early withdrawal; and

7. A statement that the moving party has confirmed with the Clerk of Court that the suggested financial institution is an approved depository with sufficient collateral pledged.

d. Disbursements from Income-Earning Account. All funds deposited in an income-earning account, regardless of the nature of the case underlying the investment, will be assessed a charge for the handling of registry funds deposited with the court from interest

earnings in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

Proposed orders for disbursements of earned income from invested accounts must include the name, address, and Social Security Number or Employer Identification Number of the payee to facilitate the preparation of Internal Revenue Service Form 1099-INT for the recipient of the interest income. Disbursements of funds from an income-earning account will not be made until this information is provided to the Clerk of Court. A proposed order for disbursement of earned income from invested accounts must not be electronically attached to the motion requesting entry of the order or the personal data identifiers contained in the proposed order will become part of the public case file. (*See* LR 5.3.g.6.)

LR 72.1 UNITED STATES MAGISTRATE JUDGES

a. Scope of Duties – 28 U.S.C. § 636(b)(3) and (4). Magistrate judges are authorized to exercise all jurisdiction permitted by law and not inconsistent with Article III of the United States Constitution. Magistrate judges also may determine any preliminary matters and conduct any necessary evidentiary hearings or other proceedings arising in the exercise of their jurisdiction. This rule will be construed broadly to fully implement the authority of magistrate judges in this district.

b. Duties Under 28 U.S.C. § 636(a). Magistrate judges are authorized and designated to exercise all of the powers and duties prescribed by 28 U.S.C. § 636(a), including, but not limited to, the following:

1. The power to administer oaths and affirmations;

2. The power to conduct trials and exercise other authority under 18 U.S.C. § 3401;

3. The power to enter sentences for "petty offenses," as defined in 18 U.S.C. § 19; and

4. In cases where the parties have consented to jurisdiction by a magistrate judge, the power to enter sentences for class A misdemeanors, including offenses classified as class A misdemeanors under 18 U.S.C. § 3559(a)(6).

c. Determination of Non-Dispositive Pretrial Matters. Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), magistrate judges are authorized and designated to hear and determine all non-dispositive pretrial matters pending before the court to the extent permitted by law, including, but not limited to, the following motions:

1. For more definite statement;

2. To add parties, to intervene, or to file third-party complaints;

3. To amend pleadings or pretrial orders;

4. To consolidate cases or to order separate trials of claims or issues under Federal Rule of Civil Procedure 42;

5. To extend the time for compliance with the Local Rules, the Federal Rules of Civil or Criminal Procedure, and the orders of the court;

6. Relating to discovery in both civil and criminal cases, including bills of particulars under Federal Rule of Criminal Procedure 7(f);

7. To allow withdrawal or substitution of counsel;

8. To correct clerical errors under Federal Rule of Civil Procedure 60(a) and Federal Rule of Criminal Procedure 36;

9. To voluntarily dismiss a civil action;

10. To set aside an entry of default under Federal Rule of Civil Procedure 55(c);

11. To enter ex parte orders for release of tax information under 26 U.S.C. § 6103;

12. To enter orders for mental examinations under 18 U.S.C. §§ 4241 and 4242; and

13. To remand a case to the Commissioner of Social Security pursuant to sentence six of 42 U.S.C. § 405(g).

d. Recommendations Regarding Case-Dispositive Motions and Other Matters. Pursuant to 28 U.S.C. § 636(b)(1)(B), upon designation from a district court judge, a magistrate judge is authorized to conduct hearings, including evidentiary hearings, and to submit to the district court judge a report containing proposed findings of fact, conclusions of law, and recommendations for disposition of the following matters:

1. Motions excepted from the jurisdiction granted to magistrate judges under 18 U.S.C. § 636(b)(1)(A), including case-dispositive motions;

2. Applications for post-trial relief made by individuals convicted of criminal offenses; and

3. Prisoner petitions challenging conditions of confinement.

To the extent permissible under Article III of the United States Constitution, a district court judge also may refer any other pretrial or post-trial motions or other matters to a magistrate judge for a report and recommendation. Matters that may be referred to a magistrate judge for a report and recommendation include, but are not limited to, the following:

1. Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

2. Motions to dismiss civil and criminal actions, including motions to dismiss or permit the maintenance of class actions;

3. Motions for judgment on the pleadings;

4. Motions for summary judgment;

5. Motions for review of default judgments;

6. Proceedings to execute against or collect on judgments;

7. Motions to dismiss or quash an indictment or information;

8. Motions to suppress evidence in a criminal case;

9. The taking of guilty pleas;

10. Proceedings to modify, revoke, or terminate probation or supervised release of convicted persons (as authorized by 18 U.S.C. § 3401(i)); and

11. Motions for the return of seized property under Federal Rule of Criminal Procedure 41(g).

e. Prisoner Cases Under 28 U.S.C. §§ 2254 and 2255. Magistrate judges may perform the duties of a district court judge under the rules governing proceedings in the United States District Courts under 28 U.S.C. §§ 2254 and 2255. In so doing, a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearings or other appropriate proceedings. Unless a magistrate judge is exercising authority pursuant to 28 U.S.C. § 636(c), the magistrate judge will not issue an order disposing of an application filed under 28 U.S.C. §§ 2254 or 2255, but will submit to the district court judge a report containing proposed findings of fact, conclusions of law, and recommendations for disposition of the application.

f. Prisoner Cases Under 42 U.S.C. § 1983. Pursuant to Federal Rule of Civil Procedure 72(b), magistrate judges may issue any preliminary orders and conduct any necessary proceedings for disposition of petitions filed by prisoners challenging the conditions of their confinement.

g. Questionable Jurisdiction or Authority. If a magistrate judge hears and decides a matter, and a district court judge later determines the magistrate judge did not have jurisdiction or authority to do so, the district court judge may consider the matter as having been referred to the magistrate judge and treat the decision of the magistrate judge as a report and recommendation. If a matter comes before a magistrate judge without a referral from a

district court judge, the magistrate judge may consider the matter as having been referred by the district court judge for a report and recommendation.

h. Special Master References. A magistrate judge may be designated by a district court judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Federal Rule of Civil Procedure 53.

i. Other Duties. Magistrate judges also are authorized to do the following:

1. Exercise general supervisory powers over civil and criminal calendars, including entering scheduling orders, approving discovery plans, conducting calendar and status calls, and determining motions to expedite or postpone the trial of cases;

2. Grant applications to proceed in forma pauperis under 28 U.S.C. § 1915;

3. Authorize alternative process servers under Federal Rule of Civil Procedure 4;

4. Authorize service of process on an absent defendant pursuant to 28 U.S.C. § 1655;

5. Conduct pretrial conferences, ADR procedures, and other pretrial proceedings in civil and criminal cases;

6. Accept jury verdicts in civil and criminal cases, to the extent permitted by law;

7. Conduct examinations of judgment debtors in accordance with Federal Rule of Civil Procedure 69;

8. Screen, under 28 U.S.C. § 1915A, petitions filed by prisoners challenging the conditions of their confinement;

9. Conduct proceedings for the collection of civil penalties of not more than $200 assessed under 46 U.S.C. §§ 4311(d) and 12309(c);

10. Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C. §§ 3411-3426;

11. Issue orders authorizing the installation of devices such as traps, traces, and pen registers; and issue orders directing communication common carriers to provide assistance to federal investigative agencies in accomplishing the installation of such devices;

12. Issue search warrants, seizure warrants, arrest warrants, and warrants of arrest in rem;

13. Receive grand jury returns;

14. Accept waivers of indictment under Federal Rule of Criminal Procedure 7(b);

15. Dismiss complaints and indictments pursuant to Federal Rule of Criminal Procedure 48(a);

16. Conduct initial appearances;

17. Conduct arraignments and take "not guilty" pleas at arraignments;

18. Conduct extradition proceedings under 18 U.S.C. § 3184;

19. Transfer a defendant to another district;

20. Conduct detention hearings and set bail;

21. Conduct preliminary examinations;

22. Perform the functions specified in 18 U.S.C. §§ 4107-4109 regarding proceedings for verification of consent by offenders to transfer to or from the United States, and the appointment of counsel in such cases;

23. Issue subpoenas, writs of habeas corpus ad testificandum and habeas corpus ad prosequendum, and other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

24. Order the exoneration or forfeiture of bonds;

25. Conduct necessary proceedings leading to the potential revocation of pretrial release, parole, probation, or term of supervised release;

26. Exercise contempt authority under 28 U.S.C. § 636(e); and

27. Enter orders to withdraw registry funds in the following instances:

A. Civil cases disposed of by a magistrate judge pursuant to 28 U.S.C. § 636(c);

B. Misdemeanor and petty offense cases disposed of by a magistrate judge pursuant to 18 U.S.C. § 3401 and 28 U.S.C. § 636(a)(3);

C. Bail release proceedings in which a magistrate judge has ordered bail money to be deposited with the court pursuant to 18 U.S.C. §§ 3141-3156 and 28 U.S.C. § 636(a)(2); and

D. Pretrial matters referred to a magistrate judge for determination pursuant to 28 U.S.C. § 636(b)(1)(A).

LR 72.2 APPEALS FROM RULINGS OF UNITED STATES MAGISTRATE JUDGES IN CIVIL CASES

A party who objects to or seeks review or reconsideration of either a magistrate judge's order on a pretrial matter or a magistrate judge's report and recommendation must file specific, written objections to the order or report and recommendation within 10 court days after service of the order or report and recommendation. Any response to the objections must be filed within 10 court days after service of the objections. A party asserting such objections must arrange promptly for a transcription of all portions of the record the district court judge will need to rule on the objections.

LR 73.1 CONDUCT OF TRIALS AND DISPOSITION OF CIVIL CASES BY MAGISTRATE JUDGES UPON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c)

Upon consent of the parties and the entry of an order of referral by a district court judge, magistrate judges are hereby specifically designated, pursuant to 28 U.S.C. § 636(c), to conduct trials and otherwise dispose of any civil case filed in this court. After an order of referral is entered in a case, a magistrate judge may conduct all proceedings in the case, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings, a magistrate judge may hear and determine any pretrial and post-trial motions, including case-dispositive motions.

LR 77.1 HEADQUARTERS OF DISTRICT AND OFFICIAL STATION OF CLERK OF COURT

a. Northern District.

1. Headquarters of District. The headquarters of the district is in Cedar Rapids. The business of the district will be conducted at the federal courthouses in Cedar Rapids, Sioux City, and Fort Dodge, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.

2. Official Station of Clerk of Court. The official station of the Clerk of Court is in Cedar Rapids. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.

b. Southern District.

1. Headquarters of District. The headquarters of the district is in Des Moines. The business of the district will be conducted at the federal courthouses in Des Moines, Davenport, and Council Bluffs, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.

2. Official Station of Clerk of Court. The official station of the Clerk of Court is in Des Moines. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.

LR 79.1 OFFICIAL COURT RECORD AND DOCKETING

a. Official Case Files. The official court record for all cases is the following:

1. The electronic files maintained in the court's ECF system;

2 Filings maintained by the Clerk of Court in paper form that are not part of the ECF system; and

3. Exhibits and other materials filed with or delivered to the court and maintained by the Clerk of Court in paper form as part of the official court files.

b. The Docket. The Clerk of Court will make, or otherwise will ensure the accuracy of, all docket entries in the court's files.

LR 79.2 REMOVAL OF MATERIALS FROM CUSTODY OF CLERK OF COURT

a. Temporary Removal. No court file, and no documents or other items contained in a court file, may be taken from the office or custody of the Clerk of Court without a showing of good cause and the written permission of the Clerk of Court. A party granted temporary custody of court files or their contents, or both, first must sign and deliver to the Clerk of Court a receipt specifying the date by which the materials will be returned.

b. Permanent Withdrawal. Upon the request of a party and a showing of good cause, the court may order the permanent withdrawal of part or all of a court file's contents. A party granted such withdrawal must furnish to the Clerk of Court a copy, to be certified, of the item to be withdrawn, and a receipt for the original. The certified copy of the item and the receipt will be placed in the court file in lieu of the original. A party withdrawing an original document or exhibit must pay to the Clerk of Court any costs incurred by the Clerk of Court as a result of this procedure. The claiming and permanent withdrawal of exhibits after judgment has become final is governed by Local Rule 83.7.g and Local Criminal Rule 57.4.f.

c. Imposition of Other Restrictions. The federal judges of a district may direct the Clerk of Court to further restrict the temporary or permanent removal of court file contents, or may direct the Clerk of Court that neither court files nor any of their contents may be taken from the office or custody of the Clerk of Court. All such further restrictions are in addition to the restrictions contained in this rule.

LR 81.1 REMOVED ACTIONS

a. Filings. When a civil case is removed to this court from a state court, along with the notice of removal and the proper filing fee, the removing party also must file under the same docket entry as the notice of removal the following:

1. Copies of all process, pleadings, and orders filed in the state case;

2. A list of all matters pending in the state court that will require resolution by this court, with the papers relating to the matters electronically attached to the list; and

3. The names of counsel and the law firms that have appeared in the state court, with their office addresses, telephone numbers, facsimile numbers, and e–mail addresses (if available), and the names of the parties they represent.

These documents must be filed electronically pursuant to Local Rule 5.3. The process, pleadings, orders, and other documents filed in the state case must be filed electronically even if they total more than 200 pages in length.

b. Scheduling Order and Discovery Plan. Within 90 days after the filing of a petition for removal, counsel for the parties must submit to the Clerk of Court for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan prepared in accordance with the requirements of Local Rule 16.1. The removing party is responsible for initiating discussions on the proposed scheduling order and discovery plan, but all parties who have appeared in the case are jointly responsible for the preparation and submission of the proposed scheduling order and discovery plan.

c. Removing Party's Statement of Interest. Within 21 days after filing a petition for removal in a civil case, each nongovernmental removing party that is not a natural person must file with the Clerk of Court a statement of interest form in compliance with Local Rule 3.2.

d. Remaining Parties' Statements of Interest. Within 30 days after service of the petition for removal in a civil case, each remaining nongovernmental party that is not a natural person must file with the Clerk of Court a statement of interest form in compliance with Local Rule 3.2.

e. Notification by Clerk of Court. After a civil case is removed to this court, the Clerk of Court will provide the parties with the following:

1. A copy of this rule and Local Rules 3.2, 10.1.h, and 16.1;

2. The instructions for the scheduling order and discovery plan and worksheet;

3. A scheduling order and discovery plan form;

4. A statement of interest form; and

5. A "notice of public availability of case file information."

Any failure of the Clerk of Court to provide a party with these documents does not excuse the party from compliance with the Local Rules.

f. Diversity of Citizenship and Jurisdictional Amount. When a civil case is removed to this court from a state court based on diversity of citizenship under 28 U.S.C. § 1332, if the petition filed in state court does not, on its face, indicate either the required diversity of citizenship or the required amount in controversy, the removing party also must include in the notice of removal a statement of the facts that demonstrate satisfaction of these jurisdictional requirements.

LR 83.1 CERTIFIED QUESTION OF LAW

When a question of state law may be determinative of a cause pending in this court and it appears there may be no controlling precedent in the decisions of the appellate courts of the state, any party may file a motion to certify the question to the highest appellate court of the state. The court may, on such motion or on its own motion, certify the question to the appropriate state court.

LR 83.2 LAWYERS

a. Roll of Lawyers. The bar of each court consists of counsel admitted to practice before the court who have taken the oath or affirmation prescribed by the rules in force when they were admitted.

b. Qualifications for Admission and Practice.

1. Admission to the Bar. A lawyer is qualified for admission to the bar of the district if the lawyer meets the following requirements:

A. The lawyer is currently in good standing as a lawyer admitted to practice in the state courts of Iowa; and

B. The lawyer has completed a minimum of six hours of legal education in the area of federal practice within the preceding two years.

A lawyer who is a government lawyer, a Federal Public Defender, or an Assistant Federal Public Defender, and who is permanently stationed in the state of Iowa, may be admitted to the bar of this court if the lawyer is currently a member in good standing of the bar of any United States district court or the highest court of any state, territory, or insular possession of the United States.

2. Continuing Legal Education (CLE) Requirement. Once admitted to the bar of the district, a lawyer, in order to maintain standing to practice in the district, must complete a minimum of six hours of legal education in the area of federal practice every two years and file a biennial CLE report. A lawyer admitted to practice in both districts is required to file a biennial CLE report in only one district. A lawyer who fails to comply with the requirements of this subsection may be suspended from practice before the court by the Chief Judge of the district until the requirements are met.

c. Procedure for Admission and Proof of Qualifications.

1. Applications. An applicant for admission must deliver to the Clerk of Court a verified petition setting forth the items of information specified on the official form provided by the Clerk of Court. The petition must contain recommendations from the following sources: **(A)** one Iowa state district court judge, one judge of the Iowa Court of Appeals, or one Justice of the Supreme Court of Iowa (or if a government lawyer, Federal Public Defender, or Assistant Federal Public Defender, and permanently stationed in the state of Iowa but not licensed in Iowa, then a judge of the highest court of any state, territory, or insular possession of the United States in which the applicant is licensed); and **(B)** one member of the bar of the court to which ad-

mission is sought. These recommendations must certify the applicant to be a person of good moral character. Upon the filing of a petition showing compliance with this rule, the payment of the prescribed admission fee, the taking of the oath hereinafter prescribed, and the entry of an order of admission by the court, the Clerk of Court will issue to the petitioner a certification of admission to the bar of the district court.

2. Documents to Accompany the Verified Petition. Along with the verified petition for admission, the applicant also must deliver to the Clerk of Court the following:

A. A completed and signed lawyer registration form for registration in the ECF system (this form is appended to the ECF Procedures Manual, and may be found on the court's web site at the web address given in Local Rule 1.1.i); and

B. Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.

3. Open Court. With leave of court, lawyers eligible for admission under this rule may be admitted to practice upon motion in open court by any member of the bar of the court to which admission is sought after a satisfactory showing of good moral character of the applicant and completion of the legal education requirements of this rule, taking the oath hereinafter prescribed, and paying to the Clerk of Court the prescribed admission fee.

4. Fees. An admission fee of $150.00 must be paid to the Clerk of Court before admission. In addition, either district may order the payment of a registration fee to be paid with the biennial report of continuing legal education or a fee for admission pro hac vice. A lawyer admitted in both districts is required to pay such fees in only one of the districts. Any such fee, and any portion of the pro hac vice fee retained by the district court, will be collected by the Clerk of Court, placed to the credit of a district fund, and administered in such a manner as is consistent with the law and as the court may direct.

5. Oath of Admission. I, _____, do solemnly swear or affirm that, as an attorney and as a counsel of this court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States.

d. Appearance and Withdrawal.

1. Who May Appear Generally. Only a member of the bar of the district may appear as a lawyer in the courts of the district, except where pro hac vice appearance is permitted by the court, where a Federal Public Defender or an Assistant Federal

Public Defender from another district appears for a defendant or witness in a criminal case, or where a government lawyer appears for the United States.

2. Appearance in Criminal Case by Lawyer Who Is Not a Member of the Bar of the District. A lawyer who is not a member of the bar of the district must, before appearing in a criminal case, file a motion to appear pro hac vice on a form available from the Clerk of Court. The form is attached to these rules as appendix C, and may be found on the court's web site at the web address given in Local Rule 1.1.i. This rule in no manner limits the right of a defendant in a pending criminal case to employ and be represented by counsel of the defendant's own selection, provided such counsel is a member in good standing of the bar of a state of the United States or of a United States court and has not been convicted of a felony, suspended, or disbarred, as provided in subsection g.5 of this rule. A lawyer appearing pro hac vice in a criminal case is not required to comply with the associate counsel requirements contained in subsection d.4 of this rule, and is not required to pay a pro hac vice admission fee. However, a lawyer appearing pro hac vice in a criminal case is required to register in the court's ECF system. (*See* subsection d.3.C of this rule.)

3. Pro Hac Vice Admission. A lawyer who is not a member of the bar of the district may be admitted to practice in a particular case pro hac vice by filing a motion asking to be admitted pro hac vice. By asking to be admitted pro hac vice, the lawyer agrees that in connection with the lawyer's pro hac vice representation, the lawyer will submit to and comply with all provisions and requirements of the Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court.

A. Written Motion. To be admitted pro hac vice, a lawyer must file a written motion to appear pro hac vice on a form available from the Clerk of Court. This form is attached to these rules as appendix C. The motion must contain the following:

(1) An indication that the lawyer is a member in good standing of the bar of any United States district court or the highest court of any state, territory, or insular possession of the United States;

(2) A statement by the lawyer seeking pro hac vice admission agreeing, in connection with the lawyer's pro hac vice representation, to submit to and comply with all provisions and requirements of the rules of conduct applicable to lawyers admitted to practice before the state courts of Iowa; and

(3) In civil cases only, a statement explaining how the lawyer intends to comply with the associate counsel requirements contained in subsection d.4 of this rule.

B. Civil Cases. A lawyer who files a motion for admission pro hac vice in a civil case must submit contemporaneously to the Clerk of Court the following:

(1) A pro hac vice admission fee of $75.00;

(2) A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual, and may be found on the court's web site at the web address given in Local Rule 1.1.i); and

(3) Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.

If a lawyer files a motion for admission pro hac vice in a civil case and the motion is granted, and the Clerk of Court does not receive the documentation required for registration in the ECF system within 10 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.

C. Criminal Cases. A lawyer who files a motion for admission pro hac vice in a criminal case must submit contemporaneously to the Clerk of Court the following:

(1) A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual, and may be found on the court's web site at the web address given in Local Rule 1.1.i); and

(2) Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.

If a lawyer files a motion for admission pro hac vice in a criminal case and the motion is granted, and the Clerk of Court does not receive the documentation required for registration in the ECF system within 10 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.

4. Associate Counsel Requirement. Except parties proceeding pro se or lawyers appearing in criminal cases and complying with the requirements of subsection d.2 of this rule, any lawyer who is not qualified to practice under section "b" of

this rule must, in each proceeding in which the lawyer appears, associate with counsel who is so qualified. The qualified associate counsel must enter a written appearance with his or her name, law firm, office address, telephone number, facsimile number, and e–mail address, which will be entered of record. Thereafter, all materials required to be served upon the nonqualified lawyer also must be served upon the qualified associate counsel.

A lawyer not qualified to practice under section "b" or subsection d.2 of this rule must not tender any document to the Clerk of Court for filing unless, at the time of the tender, qualified associate counsel has entered a written appearance on behalf of the party represented by the nonqualified lawyer and has signed the document.

5. Form of Appearance and Withdrawal. Any lawyer representing a party in any action or proceeding who did not sign the first pleading filed on behalf of the party must file with the Clerk of Court a separate "notice of appearance." The notice must clearly reflect the lawyer's name, law firm, office address, telephone number, facsimile number, e–mail address, and the name of the party for whom appearance is made. If more than one lawyer has appeared on behalf of a party, the notice must identify the lead counsel. Lawyers who have appeared are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

A lawyer who has appeared of record in a case and desires to withdraw from representation of a party is not relieved of his or her duties to the court, to the client, or to opposing counsel until one of the following is satisfied: **(A)** another lawyer has appeared of record for the client, and the withdrawing lawyer has filed a notice of withdrawal with the Clerk of Court and has served the notice on opposing counsel and the client; or **(B)** the withdrawing lawyer has filed a motion to withdraw with the Clerk of Court, has served the motion on opposing counsel and the client, and has received leave of court to withdraw for good cause shown.

A motion to withdraw must indicate the trial date and must contain a list of all pending motions and the dates on which they were filed.

e. CLE Coordinator.

1. Appointment. A CLE Coordinator will be appointed jointly by the Northern and Southern Districts of Iowa to oversee the administration of the continuing legal education requirements of this rule under the direction of the court.

2. Term. The CLE Coordinator will be appointed for a term of six years.

3. Duties. The CLE Coordinator will have the responsibility for monitoring and administering the CLE requirements of this rule, including the following:

A. The determination of the particular courses, legal programs, or other professional activities for which CLE credit should be given;

B. The number of hours of credit to be received;

C. The carryover provisions;

D. The method by which the members of the bar report their compliance; and

E. Any other matter relating to the CLE requirements of this rule.

f. Courtroom Decorum. Counsel in the courtroom must conduct themselves with dignity and propriety. Unless excused by the court, counsel must stand when addressing the court or the jury. Examination of witnesses must be conducted from counsel table or a lectern, except when it is necessary to approach a witness, court clerk, or exhibit table for the purpose of presenting or examining exhibits. Counsel must not approach a witness or the bench unless the court requests or counsel obtains permission from the court.

g. Rules of Conduct and Disciplinary Procedures.

1. Applicability of Iowa Rules of Professional Conduct. The Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court, govern all members of the bar of this court and, to the extent provided in subsection d.3 of this rule, those admitted pro hac vice. A violation of the standards established in those rules of conduct is "misconduct" for purposes of this section.

2. Lawyer Discipline. Any member of the bar of this court and any lawyer admitted pro hac vice may, for good cause shown after an opportunity to be heard in accordance with the disciplinary procedures prescribed in this subsection, be disbarred in this court, suspended from practice before this court for a definite or indefinite time, reprimanded, or subjected to such other discipline as the court may deem proper. These procedures apply only to proceedings that have as their primary purpose the discipline of a lawyer for misconduct, and do not limit the court's authority to order sanctions or other remedies as permitted by law.

3. Disciplinary Proceedings. When a member of the bar of this court or a lawyer admitted pro hac vice allegedly engages in misconduct and the alleged misconduct comes to the attention of the court, the court may initiate informal or formal

disciplinary proceedings against the lawyer (the "respondent lawyer") under this subsection.

A. Informal Disciplinary Proceedings. A federal judge may initiate and conduct informal disciplinary proceedings in any appropriate manner, including by the entry of orders (including show cause orders), the conducting of hearings, and the imposition of sanctions. A lawyer will not be suspended or disbarred from practice before this court as a result of informal disciplinary proceedings.

B. Formal Disciplinary Proceedings. A federal judge may initiate formal disciplinary proceedings by asking the Chief Judge of the district where allegations of misconduct arise to order the appointment of a "special counsel" to investigate and report to the Chief Judge on the allegations. The Chief Judge may appoint a special counsel, or may, in his or her discretion, defer formal disciplinary proceedings pending the results of disciplinary proceedings in a state or another federal jurisdiction. In an order appointing a special counsel under this subsection, the Chief Judge may specify any special authority the special counsel is authorized to exercise in the conduct of the investigation, such as, for example, the power to issue subpoenas for depositions and documents and the power to require a respondent lawyer to respond to written interrogatories.

(1) Investigation and Report. The special counsel is to investigate the allegations and make a written report to the Chief Judge which includes the following: **(a)** a history and factual background of the allegations; **(b)** a recommendation as to whether there is or is not probable cause to support the allegations; and **(c)** the reasons for the recommendation. The special counsel also may make recommendations concerning the disposition of the allegations.

(2) Determination by Chief Judge. After reviewing the report of the special counsel, the Chief Judge will determine whether formal disciplinary proceedings should or should not be continued against the respondent lawyer. If the Chief Judge determines formal disciplinary proceedings should not be continued, and the respondent lawyer has been given notice of the referral of the allegations of misconduct to a special counsel, then the respondent lawyer will be notified by the Clerk of Court that formal proceedings will not be continued. If the Chief Judge determines formal disciplinary proceedings should be continued, the Chief Judge will issue a show cause order notifying the respondent lawyer of the misconduct alleged and the probable cause finding of the special counsel and directing the respondent lawyer to show cause within 30 days why the respondent lawyer should not be disciplined.

(3) Service. The Clerk of Court will have the show cause order served on the respondent lawyer by personal service or by registered or certified mail sent to the respondent lawyer's last-known address according to the Clerk of Court's records.

(4) Default. If the respondent lawyer fails to respond within the time required, the Chief Judge may order any proper discipline.

(5) Proceedings after Answer. If the respondent lawyer files an answer to the show cause order, and **(a)** raises an issue of fact, or **(b)** includes in the answer a request to be heard, the Chief Judge will set the matter for prompt hearing before a panel of three federal judges appointed by the Chief Judge. The panel will not include any judge before whom the alleged misconduct occurred.

The panel will prescribe such procedures as are necessary to hear and decide the issues raised in the show cause order or answer. The panel will issue a final order. If the final order contains a finding of misconduct, the order will provide for any discipline to be imposed on the respondent lawyer.

(6) Delegation by Chief Judge. In any disciplinary proceeding brought under section "g" of this rule, including a formal disciplinary proceeding initiated by the Chief Judge under subsection g.3.B of this rule, the Chief Judge may delegate any function assigned to the Chief Judge under these rules to another district court judge.

4. Sealing of Documents. A final order entered in a formal disciplinary proceeding that contains a finding of misconduct will be filed in the public record unless the members of the panel unanimously order that it be filed under seal. Any other document filed in connection with a formal disciplinary proceeding must be filed under seal, and will remain sealed until such time as an order unsealing the document is entered by one of the judges on the panel.

5. Felony Conviction; Suspension or Disbarment in Another Court. If a member of the bar of this court or a lawyer admitted to practice pro hac vice is convicted of a felony or is suspended or disbarred from practicing in any federal or state court, the lawyer must notify the Clerk of Court immediately of the conviction, suspension, or disbarment. Thereafter, the lawyer will be suspended or disbarred from practice before this court unless the lawyer, within 10 days after the Clerk of Court has mailed notice to the lawyer's last known mailing address, shows good cause why such action should not be taken.

Any person who, before admission to the bar of this court or during disbarment or suspension from practice in any federal or state court, and without specific leave of this court, exercises any of the privileges of a member of the bar of this court in this state or in any action or proceeding pending in the Northern or Southern Districts of Iowa, or pretends to be entitled to do so, is guilty of contempt of court and is thereby subject to appropriate punishment.

The procedures provided in subsection g.3 of this rule do not apply to matters arising under this subsection.

h. Dereliction of Counsel. When a case has been dismissed because of inexcusable neglect or other dereliction of counsel, the court may impose such sanctions upon counsel as the court deems appropriate, including those provided in section "g" of this rule.

i. Law Student Practice. A law student enrolled in a reputable law school as defined in Iowa Supreme Court Rule 106 may appear as counsel before the court under the following conditions:

1. Certification. The dean of the law school must certify to this court that the student has completed at least three semesters of the work required by the school to qualify for a J.D. or an equivalent degree;

2. Supervision. The student's appearance must be under the direct supervision of a lawyer admitted to practice before this court who is personally present and has appeared of record in the case; and

3. Compensation. The student must not receive compensation for a court appearance, but this prohibition does not prevent a student from receiving general compensation from an employer-lawyer or from a source of funds unrelated to the case or the parties. Nothing in this rule prevents the court from awarding reasonable attorney fees under an appropriate statute for a student's work as long as the student does not receive any of the fee.

LR 83.3 JUDICIAL CONDUCT AND DISABILITY

Complaints concerning the conduct of a federal judge or the inability of a federal judge to perform the duties of his or her office by reason of any mental or physical disability are governed by 28 U.S.C. §§ 351-364, and the Eighth Circuit Rules Governing Complaints of Judicial Misconduct and Disability.

LR 83.4 SETTLEMENT DEADLINE

a. General Costs. The court may impose a settlement deadline on the parties. If a settlement is reached after the deadline without prior approval of the court, the court may, after giving the parties and their counsel an opportunity to be heard, impose any appropriate sanction against one or more of the parties or their counsel, or both, for violation of the settlement deadline. Sanctions may include the assessment of costs incurred by the court as a result of the failure to settle the case before the deadline.

b. Jury Costs. Where a civil case scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, and the Clerk of Court is not notified at least two court days before the day scheduled for jury selection that the trial will not be held, then, except for good cause shown, juror costs, including marshal's fees, mileage, and per diem, may be assessed equally against the parties and their counsel, or otherwise assessed as directed by the court.

LR 83.5 AUDIO AND VIDEO RECORDING, RADIO, TELEVISION, PHOTOGRAPHY, COMMUNICATION DEVICES, AND COMPUTERS

a. Prohibited Activities. The following activities are prohibited in the courtroom and its environs, whether or not the court is in session:

1. Audio recording;

2. Filming or video recording;

3. The use of the photographic capabilities of a cell phone;

4. Radio or television broadcasting;

5. The taking of photographs; and

6. The use of a noise-producing electronic device, unless the device is necessary for a person's health or welfare (for example, a breathing device or a motorized wheelchair).

The court may make exceptions to these prohibitions for ceremonial proceedings and educational seminars.

b. Environs Defined. For purposes of this rule, the environs include all rooms, passageways, and stairways in a courthouse, but do not include the private offices of the United States Attorney, the Federal Public Defender, the United States Probation Office, or any other government agency or organization not part of the judiciary. In any other building where a judicial proceeding of the district court is being conducted or where court personnel or jurors are located, the environs include all rooms in the building being used for such purposes and all areas immediately adjacent to those rooms.

c. Judicial Proceeding Defined. As used in this rule, a judicial proceeding means any trial, hearing, or other proceeding in a civil or criminal case or a grand jury session.

d. Communication Devices. Use of a portable telephone in a courtroom is prohibited. Portable telephones, pagers, and all other communication devices must be disabled from making an audible sound while court is in session, but may be set to vibrate or otherwise give silent notice when a message is received.

e. Computers. Any person may bring a portable computer into a courtroom or its environs, and may use the portable computer in any manner that does not interfere with court proceedings or does not otherwise violate these rules. A computer brought into a courtroom must be disabled from making an audible sound while court is in session.

LR 83.6 OPENING STATEMENTS AND CLOSING ARGUMENTS

a. Opening Statements. An opening statement must not exceed 15 minutes.

b. Closing Arguments. Closing arguments for each side must not exceed one hour. The plaintiff's allotted time includes any time for rebuttal argument. Counsel for each side may divide their time between themselves, but no more than two lawyers for each side will be allowed to address a jury during closing arguments, except with the permission of the court granted before closing arguments open.

LR 83.7 EXHIBITS

a. Marking of Exhibits. Before a trial or hearing, the parties must mark all exhibits (except those to be offered in rebuttal or used for impeachment) for identification, as follows:

1. Each exhibit must be designated with a number or letter, with plaintiffs using numbers and defendants using letters. However, to avoid multiple-letter exhibits (AAAA, BBBB, etc.) in cases with large numbers of exhibits, the parties may agree to a different exhibit identification scheme. For example, the parties may agree that plaintiffs will use numbers beginning with 1000, and defendants will use numbers beginning with 2000.

2. Each exhibit must be marked with the case number.

3. Exhibits longer than one page must be paginated at the bottom of each page.

b. Listing, Marking, and Disclosing Exhibits. Before the final pretrial conference, each party must do the following:

1. Prepare and serve on the other parties a list of all exhibits to be offered at trial;

2. Mark each exhibit as required by section "a" of this rule; and

3. Afford opposing parties a reasonable opportunity to examine the marked exhibits.

No exhibit will be admitted into evidence at trial (other than those essential to rebuttal or impeachment) that is not disclosed to the opposing parties as required by this rule; by Local Rule 16.2.c; by Federal Rule of Civil Procedure 26(a)(3)(A), (B), and (C); or by the orders of the court, unless good cause is shown for the failure to disclose.

c. Copies for Court. Unless the court orders otherwise at the final pretrial conference, at the commencement of trial the parties must supply the court with a copy of all exhibits in three-ringed, tabbed binders.

d. Custody with Clerk of Court. All exhibits offered or received into evidence at a trial or hearing must be left in the custody of the Clerk of Court, except as provided in sections "e" and "f" of this rule. Until judgment in a case becomes final, exhibits may not be taken from the custody of the Clerk of Court, except upon order of the court and the execution of a receipt.

e. Custody with Offering Party. Any exhibit not suitable for filing or transmission to the appellate court as part of the appellate record must be retained in the custody of the party offering the exhibit. Such exhibits include, but are not limited to, the following:

1. "Unsafe or dangerous exhibits," as defined in Local Criminal Rule 57.4.h;

2. Jewelry, liquor, money, articles of high monetary value, and counterfeit money; and

3. Documents or physical exhibits of unusual sensitivity, bulk, or weight.

Except when such an exhibit is being used in court during a trial or hearing, or is in the custody of a jury or the court during deliberations, the offering party must preserve the exhibit in an unaltered condition until 30 days after the resolution of any appeal. The exhibit then may be destroyed or otherwise disposed of by the party having custody of the exhibit, but only after the party gives 30 days' written notice to the attorneys of record and to any parties who appeared pro se. The party retaining custody of such an exhibit must make the exhibit available to the court and to opposing counsel for use in preparing an appeal, and must transmit the exhibit safely to the appellate court, if required. Such party also must document the chain of custody of the exhibit.

f. Substitution of Photographs for Exhibits. If a party has offered into evidence at a trial or hearing an exhibit that is not suitable for filing or transmission to the appellate court as part of the appellate record, the offering party must provide a photograph of the exhibit to the court to be substituted for the exhibit, and must retain custody of the exhibit as provided in section "e" of this rule.

g. Disposition of Exhibits. After a judgment in a civil case has become final and all appeals from the judgment have been concluded, all exhibits must be claimed and withdrawn by the parties offering them. Thirty days after a judgment has become final (60 days if the United States is a party), or if an appeal from the judgment is filed, 30 days after the issuance of the mandate by the circuit court, an exhibit not claimed and withdrawn may be destroyed or otherwise disposed of by the Clerk of Court after giving 30 days' written notice to the attorneys of record in the case and any pro se parties of the Clerk of Court's intention to destroy or otherwise dispose of the exhibit. If a timely objection is filed, the exhibit will be destroyed or otherwise disposed of only upon an order of the court.

h. Record of Withdrawal or Destruction. A party withdrawing an exhibit must give a receipt to the Clerk of Court, and the receipt will be filed. Exhibits destroyed or otherwise disposed of by the Clerk of Court will be accounted for by a statement prepared and filed

by the Clerk of Court showing the date such action was taken and the date notice of intention to do so was given to the attorneys of record and any pro se parties.

i. Unsafe or Dangerous Exhibits. The procedures prescribed in Local Criminal Rule 57.4.h apply to unsafe or dangerous exhibits in civil cases.

j. Demonstrative Aids. A party using a demonstrative aid during a civil or criminal jury trial must, before the demonstrative aid is displayed to the jury, show the demonstrative aid to representatives of all other parties participating in the trial. The term "demonstrative aid" includes charts, diagrams, models, samples, and animations, but does not include exhibits admitted into evidence or outlines of opening statements or closing arguments.

LR 83.8 AVAILABILITY OF ELECTRONIC RECORDINGS

Local Criminal Rule 57.3, prescribing the procedures for obtaining a transcript of a proceeding that has been recorded electronically or a copy of the electronic recording of the proceeding, applies in civil cases.

LR 8001.1 BANKRUPTCY APPEALS

a. Rules. Except as provided in this rule, the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms apply to all appeals from the United States Bankruptcy Courts for the Northern and Southern Districts of Iowa to the United States District Courts for the Northern and Southern Districts of Iowa.

b. Briefs. Federal Rule of Bankruptcy Procedure 8010(c) is modified to provide that principal briefs must not be more than 20 pages in length and reply briefs must not be more than five pages in length, exclusive of pages containing the table of contents, table of authorities, and any addendum containing statutes, rules, regulations, or similar material. The court may allow a longer brief upon the filing of an appropriate application showing good cause for exceeding these page limitations.

c. Lawyers. Local Rule 83.2, relating to the admission of lawyers to the bar of this court, applies to lawyers representing parties in appeals from the bankruptcy court to this court. All lawyers representing parties in such cases must be authorized to appear in this court by Local Rule 83.2.d.1 or d.2.

d. Electronic filing. Local Rule 5.3, relating to electronic filing and electronic access to case files in this court, applies to appeals from the bankruptcy court to this court. All lawyers representing parties in such cases, including lawyers admitted pro hac vice (*see* LR 83.2.d.2), must be registered to participate in the ECF system, and must file all documents in the case electronically.

e. Dismissal for Failure to Pay Fees. Upon the failure of the party filing the appeal to pay any fees required by statute or as may be set by the Judicial Conference of the United States Courts, the bankruptcy judge may send a recommendation to the district court that the appeal be dismissed.

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CRIMINAL RULES

LCrR 1.1 GENERAL PROVISIONS; SCOPE

a. Citation Form. The local criminal rules are to be cited as "LCrR ___." The local civil and criminal rules are collectively referred to herein as the "rules" or the "Local Rules."

b. Scope. The local criminal rules govern all criminal proceedings in the Northern and Southern Districts of Iowa to the extent they are not inconsistent with any statute or law of the United States or any rule or order of the Supreme Court of the United States having the force of law. Except as otherwise provided or where the context so indicates, the local civil rules govern criminal proceedings to the extent they are not inconsistent with any express provision of a local criminal rule.

c. Modification of Local Rules by Presiding Judge. The Local Rules are subject to modification in any case at the discretion of the presiding judge.

d. Speedy Trials. The court's amended and modified plans pursuant to the Speedy Trial Act of 1977, 18 U.S.C. §§ 3165-3166, govern the scheduling of criminal trials. These plans may be found on the court's web site at the web address given in Local Rule 1.1.i.

e. Pro Hac Vice Admission. A lawyer who is not a member of the bar of the district must, before appearing in a criminal case, comply with the requirements of Local Rule 83.2.d.2.

LCrR 3.1 COMPLAINTS

a. Presentation. Complaints ordinarily should be presented to a magistrate judge for review and execution, but a complaint may be presented to a district court judge if no magistrate judge is available. If no federal judge is reasonably available, a complaint may be presented to a state or local judicial officer.

A copy of the proposed complaint and any supporting affidavits must be delivered to the magistrate judge for his or her private review before a request is made for the magistrate judge to sign the complaint. In an emergency situation, the magistrate judge may waive this requirement.

b. How Filed. All criminal complaints must be filed using the court's Electronic Case Filing ("ECF") system (*see* LR 5.3.g.3). Notwithstanding Local Rule 5.3.j, a complaint will be deemed by the court to have been filed on the date it is signed by a federal judge.

c. Lawyer for Government. Ordinarily, a person presenting a complaint to a magistrate judge should be accompanied by a lawyer for the government. If justified by unusual circumstances, a magistrate judge may entertain a proposed complaint from a person who is not accompanied by a lawyer for the government.

d. Emergencies. In an emergency situation, a magistrate judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a proposed complaint. If no magistrate judge is available, a district court judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a proposed complaint.

LCrR 5.1 DETENTION ORDERS

a. Review. After a detention order is issued, a party may request reconsideration of the order based on newly discovered evidence or may appeal the order to a district court judge. A party requesting review of a detention order must state in the caption whether the request is one for reconsideration or is an appeal to a district court judge.

b. Appeals. A party appealing a detention order must file a written motion containing a statement of the grounds for the appeal and a statement that a transcript of the detention hearing has been ordered.

c. Requests for Reconsideration. A party may request reconsideration of a detention order at any time.

LCrR 6.1 GRAND JURY RETURN

An indictment must be returned to a federal judge in open court by the grand jury or by the foreperson or deputy foreperson of the grand jury. (*See* LCrR 7.2, relating to the redacted version of an indictment.) Notwithstanding Local Rule 5.3.j, an indictment will be deemed by the court to have been filed on the date it is returned to a federal judge in open court.

LCrR 6.2 CONTACT WITH GRAND JURORS

a. Contacts by Defendants or Witnesses. Except upon leave of court, no actual or potential defendant or witness, and no lawyer or other person acting on their behalf, may contact, interview, examine, or question any grand juror or potential grand juror concerning the juror's actual or potential grand jury service.

b. Contacts by Lawyers for the Government. Except upon leave of court, no lawyer for the government or other person acting on his or her behalf may contact, interview, examine, or question any grand juror or potential grand juror concerning the juror's actual or potential grand jury service, except that contacts may be made on the record during grand jury proceedings and as necessary in connection with the administration of the grand jury.

LCrR 7.1 SUPERSEDING INDICTMENT

When a superseding indictment is filed, the lawyer for the government contemporaneously must file a brief statement describing the differences between the original indictment and the superseding indictment.

LCrR 7.2 PERSONAL DATA IDENTIFIERS IN AN INDICTMENT OR INFORMATION

Local Rule 10.1.h, relating to personal data identifiers, applies in criminal cases, except an indictment or information may include a personal data identifier if necessary to comply with the requirements of federal law.

The original of all indictments will be filed under seal automatically by the ECF system. The original of all informations that contain personal data identifiers also must be filed under seal; the lawyer for the government is responsible for filing a motion to have such an information filed under seal. (*See* LR 5.1.c.) The lawyer for the government also must file, in the public case file, a redacted version of any sealed indictment or information, modified to prevent public disclosure of the identity of the foreperson of the grand jury or of any personal data identifiers.

A federal judge also may order the redacted version of an indictment or information to be sealed temporarily. If the redacted version of an indictment or information is ordered sealed temporarily, the Clerk of Court will, without further direction or order from the court, unseal the redacted version of the indictment or information immediately after the initial appearance in the district of any of the defendants charged in the indictment or information.

LCrR 10.1 WRITTEN ARRAIGNMENT, PLEA, AND WAIVER OF PERSONAL APPEARANCE

A defendant who has been charged by indictment or misdemeanor information and has had an initial appearance pursuant to Federal Rule of Criminal Procedure 5 may, pursuant to Federal Rule of Criminal Procedure 10(b), waive personal appearance at the arraignment on the charges and plead not guilty by filing a written waiver of personal appearance in the form attached to these rules as appendix D. The waiver must be filed at least two court days before the time scheduled for the arraignment.

Defendants are encouraged to file a written waiver of personal appearance in lieu of personally appearing at arraignments on superseding indictments and superseding misdemeanor informations.

LCrR 11.1 PLEA HEARINGS

a. Delivery of Plea Agreement to the Court. The lawyer for the government must deliver a copy of any plea agreement to the federal judge handling the plea proceeding at least four hours before the plea hearing.

b. Rule 11 Letter. At least four hours before a plea hearing, the lawyer for the government must file a letter setting out all relevant statutes involved in the plea proceeding, the maximum penalties and any mandatory minimum penalties that could be imposed by the court as a result of the plea, the elements of all offenses to which the defendant is pleading, and the factual basis for the plea. A copy of the letter must be delivered to the defendant's lawyer at or before the commencement of the plea hearing. The letter may be filed under seal without leave of court.

LCrR 12.1 MOTION, NOTICE, AND REQUEST DEADLINES

a. Deadlines for Non-Trial-Related Motions, Notices, and Requests. Unless some other deadline is established by order of the court, all motions, notices, and requests under Federal Rules of Criminal Procedure 12, 12.1, 12.2, and 12.3; all notices and requests pursuant to the Federal Rules of Evidence; and all other non-trial-related motions must be filed, given, or made within 28 days after the date of the defendant's first arraignment, except a request under Federal Rule of Criminal Procedure 12(b)(4)(B) must be made at the arraignment or as soon thereafter as is practicable. Notwithstanding this rule, a motion relating to a notice or request is timely if filed within five court days after service of the notice or request.

b. Deadlines After Continuance or Superseding Indictment. When a trial date is continued or a superseding indictment is returned, the original deadlines prescribed under the Local Rules or by order of the court remain unchanged unless, within two court days after the continuance order has been entered or at the arraignment on the superseding indictment, either the defendant or the government requests that new deadlines be set and an order is entered by the court changing the deadlines.

c. Deadlines for Trial-Related Motions. Motions in limine, motions pursuant to Federal Rule of Evidence 104(a), and all other trial-related motions must be filed as soon as practicable. All such motions must be filed at least five court days before trial. Motions covered by Local Criminal Rule 12.1.a and Local Criminal Rule 22.1 are not trial-related motions for purposes of this section.

d. Motion Procedure. Local Criminal Rule 47.1 governs motion procedure in criminal cases.

e. Untimely Motions. The court may refuse to consider an untimely motion unless the moving party establishes good cause for the untimeliness of the motion.

LCrR 16.1 DISCOVERY

a. Stipulated Discovery Plan. At an arraignment, the parties may be asked if they are willing to agree to a stipulated discovery plan. If such a plan has been implemented in the district, and if the parties agree to participate in the plan, the magistrate judge may enter a standard discovery order, a copy of which may be obtained in advance of the arraignment from the office of the magistrate judge or from the court's web site at the web address given in Local Rule 1.1.i.

b. Declaration Required. Local Rule 37.1, requiring a party filing a motion concerning a discovery dispute to file a separate declaration describing the efforts of the parties to resolve the dispute, applies in criminal cases.

LCrR 17.1 SUBPOENAS AND WRITS

a. Delivery of Subpoenas to Marshal. The serving party is responsible for providing the United States Marshal's office with an original and two copies of each subpoena requested to be served by the Marshal's office. A subpoena for a hearing or trial to be served within the district by the United States Marshal must be delivered to the Marshal's office at least 14 days before the hearing or trial at which the witness is to testify, and a subpoena for a hearing or trial to be served outside of the district by the United States Marshal must be delivered to the Marshal's office at least 21 days before the hearing or trial at which the witness is to testify. Service of a subpoena delivered to the Marshal's office after these deadlines is not guaranteed; the subpoena will only be served if the Marshal's office is able to schedule service conveniently within the time allowed.

b. Private Service of Process Not Authorized by CJA. Unless prior approval is obtained from a magistrate judge, a lawyer appointed under the Criminal Justice Act may not use private process servers to serve subpoenas for criminal hearings or trials, but must use the United States Marshal's office for such service.

c. Deadline for Delivering Writ of Habeas Corpus Ad Testificandum to Marshal. A writ of habeas corpus ad testificandum to be served within the district must be delivered to the United States Marshal's office at least 14 days before the hearing or trial at which the witness is to testify, and a writ of habeas corpus ad testificandum to be served outside of the district must be delivered to the Marshal's office at least 21 days before the hearing or trial at which the witness is to testify.

d. Deadline for Obtaining Approval of Subpoenas and Writs. A lawyer appointed under the Criminal Justice Act who requests a subpoena and any lawyer who requests a writ of habeas corpus ad testificandum must submit a request to a magistrate judge for approval of the subpoena or writ at least two court days before the deadline for delivering the subpoena or writ to the United States Marshal.

LCrR 22.1 MOTION TO TRANSFER

Except for good cause shown, a motion to transfer pursuant to Federal Rule of Criminal Procedure 21 or a motion to transfer a case to a different division within the district must be filed within 28 days after the defendant's first arraignment.

LCrR 24.1 JURY SELECTION IN MULTI-DEFENDANT CASES

In multi-defendant cases, a request by a defendant for additional peremptory challenges must be made in writing at least 14 days before jury selection.

LCrR 24.2 CONTACT WITH JURORS

Local Rule 47.1, relating to contact with jurors, applies in criminal cases.

LCrR 28.1 INTERPRETERS

a. Responsibility for Obtaining. When interpreters are required in criminal proceedings or in civil proceedings initiated by the United States, the Clerk of Court will obtain the services of certified or otherwise qualified interpreters, except the United States Attorney must obtain the services of such interpreters for government witnesses. In all other cases, a party requiring the services of an interpreter must obtain interpreting services.

b. List of Interpreters. The Clerk of Court and the United States Attorney will maintain a list of all interpreters who have been certified by the Director of the Administrative Office of the United States Courts, and will make the list available to interested persons upon request.

c. Grand Jury. The government must make and preserve an electronic sound recording of any part of any grand jury proceedings in which an interpreter is used. The government may destroy any such sound recording after a period of five years from the making of the recording.

d. Confidentiality. Court interpreters must comply with all statutory requirements of confidentiality and secrecy, and must protect all privileged and confidential information. Court interpreters must not disclose to anyone information of a confidential nature obtained while performing interpreting duties during or relating to proceedings in this court unless ordered to do so by the court.

e. Conflicts. Court interpreters must disclose promptly to the court and to the parties any apparent or actual conflict of interest, including any prior involvement with the case or with persons significantly involved in the case.

f. Advice. A court interpreter must refrain from giving advice of any kind to any party or individual involved in court proceedings for which the interpreter has been engaged to perform interpreting services.

g. Opinions. A court interpreter must not publicly express an opinion concerning court proceedings for which the interpreter has been engaged to perform interpreting services.

h. Notification by Clerk of Court. The Clerk of Court will notify interpreters of the requirements of this rule by handing a copy of the rule to each interpreter upon his or her first appearance in court proceedings in this district. This requirement does not apply to telephone interpreters supplied to the court by the Telephone Interpreting Program. (*See* LCrR 28.1.i.)

i. Certified Telephone Interpreters. In criminal cases, the court may use certified interpreters supplied by the Telephone Interpreting Program sponsored by the Adminis-

trative Office of the United States Courts. Any objection to the use of such an interpreter must be made before the commencement of the proceeding being interpreted.

LCrR 30.1 JURY DELIBERATIONS

a. Availability During Deliberations. Until a verdict is reached and the jury is discharged, the lawyers and the defendant must be readily available to the court. When the jury begins to deliberate, the lawyers must advise the court of where they can be located in the courthouse, or if they intend to leave the courthouse, of a telephone number where they can be reached without delay. A pro se defendant will be treated as counsel for purposes of this rule.

b. Notification. If the jury has a question, or if some other issue arises during jury deliberations, and the court determines the issue merits a conference with the parties, the court will attempt to notify the lawyers. Defense counsel is responsible for communicating any such notification to the defendant. If a lawyer is not available within 20 minutes, he or she will be deemed to have waived the right to participate in the proceedings concerning the issue.

c. Proceedings. The nature of the proceedings concerning an issue arising during jury deliberations will be determined by the judge, but where the jury has a question, the judge generally will do the following:

1. Advise the lawyers of the jury's question;

2. Ask the lawyers for suggestions on how to respond to the question;

3. Formulate a response, as warranted;

4. Allow the parties to make a record on the proposed response; and

5. Communicate the response to the jury in an appropriate manner.

LCrR 32.1 SENTENCING HEARINGS; DISCLOSURE OF CONFIDENTIAL RECORDS MAINTAINED BY THE UNITED STATES PROBATION OFFICE

a. Sentencing Hearings. In the Northern District of Iowa, the following procedures and deadlines apply to sentencing hearings.

1. Any request that the court depart or vary from the advisory United States Sentencing Guidelines range, either upward or downward, must be asserted in a motion stating with particularity the basis for the requested departure or variance, and must be supported by a brief. (*See* LR 7.1.d.)

2. Any motion, sentencing memorandum, or brief relating to a sentencing issue, including any motion or brief filed under subsection a.1 of this rule, must be filed, and a copy delivered to the assigned United States Probation Officer, at least five court days before the sentencing hearing. (This deadline does not apply to motions filed by the government for a downward departure under United States Sentencing Guideline § 5K1.1 or 18 U.S.C. § 3553(e).) A list of the witnesses and exhibits that will be offered in support of the motion must be filed as an electronic attachment to the motion.

3. Any response to a sentencing motion, memorandum, or brief must be filed, and a copy delivered to the assigned United States Probation Officer, at least three court days before the sentencing hearing. A list of the witnesses and exhibits that will be offered in support of the response must be filed as an electronic attachment to the response.

4. Any letters or other exhibits a party intends to offer or rely upon at the sentencing hearing must be delivered (but not filed) to counsel for the opposing party, the chambers of the sentencing judge, and the assigned United States Probation Officer at least five court days before the sentencing hearing. Any rebuttal exhibits must be delivered (but not filed) to counsel for the opposing party, the chambers of the sentencing judge, and the assigned United States Probation Officer at least three court days before the sentencing hearing. The deadlines in this subsection do not apply to impeachment exhibits.

b. Disclosure of Confidential Records Maintained by the United States Probation Office. Unless specifically authorized by this rule or by federal law, no confidential records of the court maintained by the United States Probation Office ("USPO") will be disclosed except by order of a federal judge of the district where the records are maintained.

1. Confidential Records. Confidential records of the court maintained by the USPO include records of an accused or defendant pertaining to the following: **(A)** pretrial supervision, release, or detention; **(B)** mental, drug, or physical evaluations

or treatment; **(C)** presentence investigations; **(D)** sentencings; **(E)** incarceration; **(F)** parole; **(G)** probation; and **(H)** supervised release. Unsealed USPO records maintained in the files of the Clerk of Court are not confidential records for purposes of this rule.

2. Petition Required. Anyone seeking disclosure of confidential records first must serve on the USPO and file a written petition setting forth with particularity good cause justifying the requested disclosure. A showing of good cause must include the following: **(A)** the need for the specific information contained or believed to be contained in the records; and **(B)** a legal basis for disclosure of the records. This subsection does not preclude the USPO from disclosing information or records to the lawyers for the parties.

3. Subpoena or Other Judicial Process. If the USPO receives a subpoena or other judicial process for disclosure of confidential court records, the USPO must seek instructions from the court before responding to the subpoena or other judicial process.

LCrR 41.1 SEARCH WARRANTS

a. Presentation. A search warrant application ordinarily should be presented to a magistrate judge, but it may be presented to a district court judge if no magistrate judge is available. If no federal judge is reasonably available, a search warrant may be presented to a state or local judicial officer.

Copies of the application, the proposed search warrant, and any supporting affidavits must be delivered to the magistrate judge for his or her private review before a request is made for the magistrate judge to sign the warrant. In an emergency situation, the magistrate judge may waive this requirement.

b. Lawyer for Government. Ordinarily, an officer presenting a search warrant application to a magistrate judge should be accompanied by a lawyer for the government. If justified by unusual circumstances, a magistrate judge may entertain a search warrant application from an officer who is not accompanied by a lawyer for the government.

c. Emergencies. In an emergency situation, a magistrate judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a search warrant application. If no magistrate judge is available, a district court judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a search warrant application.

d. Sealing of Search Warrant Documents. Search warrants, all affidavits filed in support of search warrants, and all search warrant returns will be filed under seal, and will remain sealed until the court orders otherwise.

LCrR 45.1 ADDITIONAL TIME AFTER ELECTRONIC SERVICE

The three-day mailing rule in Federal Rule of Criminal Procedure 45(c) also applies to documents served electronically. (*See* Fed. R. Civ. P. 5(b)(2)(D) and Fed. R. Crim. P. 49(b).) Thus, whenever a party is required to do something within a prescribed period after service and service is completed electronically under Local Rule 5.3.k.1, a period of three days is added to the prescribed period, unless contrary to the specific requirements of an order of the court or a Local Criminal Rule (*see*, *e.g.*, LCrR 12.1.c and 47.1.a).

The three-day mailing rule applies only to deadlines precipitated by the service of a notice or other document, and does not extend other deadlines established by the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, a Local Rule, an order, or a statute.

LCrR 47.1 MOTIONS

a. Motion Procedure. Motions must be filed in accordance with the deadlines prescribed in Local Criminal Rule 12.1. Local Rule 7.1 governs motion procedure in criminal cases, except a resistance to a motion in a criminal case must be filed within five court days after the motion is served, plus an additional three days under Local Criminal Rule 45.1 and Federal Rule of Criminal Procedure 45.1.c if the motion is served electronically or by mail. In any event, a resistance to a motion in a criminal case must be filed at least three court days before the court proceeding at which the motion will be heard.

b. Discovery Motions. Local Rule 37.1.a, requiring a party filing a motion concerning a discovery dispute to file a separate declaration describing the efforts of the parties to resolve the dispute, applies in criminal cases.

LCrR 55.1 CRIMINAL CASE FILES AND DOCKETING

Local Rule 79.1, relating to the maintenance of official court files and docketing, applies in criminal cases.

The Clerk of Court will retain the original paper version of all indictments and informations for the length of time required by the Judicial Conference of the United States Courts. The United States Attorney's office must retain the original paper version of all criminal complaints for five years after the electronic filing of the complaint.

LCrR 55.2 ELECTRONIC CRIMINAL CASE FILES

Local Rule 5.3, relating to electronic filing and electronic access to case files, applies to criminal case files.

LCrR 57.1 RELEASE OF INFORMATION BY LAWYERS IN CRIMINAL CASES

a. Impending Criminal Litigation. No lawyer or law office participating in or associated with the prosecution or defense of an impending criminal prosecution may release or authorize the release of information concerning the matter or give an opinion about the matter, unless there is no reasonable likelihood the information either will be disseminated by any means of public communication or will interfere with a fair trial or otherwise prejudice the due administration of justice.

b. Pending Investigations. No lawyer for the government participating in or associated with a grand jury or other pending investigation of a criminal matter may make or authorize the release of any extrajudicial statement beyond what is included in the public record that a reasonable person would expect to be disseminated by any means of public communication. This section does not prohibit statements necessary for the following:

1. To inform the public that an investigation is underway;

2. To describe the general scope of an investigation;

3. To obtain assistance in the apprehension of a suspect;

4. To warn the public of any dangers; or

5. To aid otherwise in an investigation.

c. From Arrest Until Trial.

1. Information Not to Be Released. No lawyer or law office associated with the prosecution or defense of a pending or imminent criminal prosecution may release or authorize the release of any extrajudicial statement beyond what is included in the public record that a reasonable person would expect to be disseminated by any means of public communication concerning the following:

A. Personal information concerning the accused, including the accused's character, reputation, or prior criminal record, including arrests, indictments, or other criminal charges, except this subsection does not prohibit a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, information necessary to aid in the accused's apprehension or to warn the public of any dangers the accused may present;

B. The existence or contents of any confession, admission, or statement given by the accused, or the refusal of the accused to make a statement;

C. The performance of or results from any examination or test, or the accused's refusal or failure to submit to any examination or test;

D. The identity, testimony, or credibility of prospective witnesses, except for the identity of the victim if the release of this information is not otherwise prohibited by law;

E. The possibility of a plea of guilty to the offense charged or to a lesser offense; and

F. Any opinion as to the accused's guilt or innocence, the merits of the case, or the evidence in the case.

2. Information That May Be Released. This section does not preclude a lawyer or law office associated with the prosecution or defense of a criminal prosecution, in the proper discharge of an official or professional obligation, from doing the following:

A. Announcing the fact and the circumstances of an arrest, including the time and place of arrest and any resistance, pursuit, or use of weapons;

B. Announcing the identity of any investigating or arresting officers or agencies;

C. Announcing the duration of the investigation;

D. Announcing that the accused denies the charges, without further comment;

E. Announcing the scheduling of any court proceeding;

F. Announcing the results of any stage of the judicial process;

G. Giving, at the time of seizure of any physical evidence, a description of the evidence seized;

H. Quoting from or referring to the public records of the court without further comment; and

I. Requesting assistance in obtaining evidence.

d. During Trial. During a jury trial of any criminal matter, including jury selection, no lawyer or law office associated with the prosecution or defense of the matter may give or authorize the release of any extrajudicial statement or give an interview relating to the trial, the parties, or the issues in the trial that a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood such dissemination would interfere with a fair trial, except the lawyer or the law office may, without further comment, quote from or refer to public records of the court.

This section does not preclude the following:

1. The imposition of more restrictive rules relating to the release of information about juveniles or in other particular cases;

2. The holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies; or

3. A reply by a lawyer to charges of misconduct made publicly against the lawyer.

LCrR 57.2 RELEASE OF INFORMATION BY COURTHOUSE PERSONNEL IN CRIMINAL CASES

All courthouse personnel, including marshals, deputy marshals, court clerks, court security officers, interpreters, and court reporters, are prohibited from disclosing to any person, without authorization by the court, information relating to a pending criminal case that is not part of the public records of the court. Specifically forbidden is the divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LCrR 57.3 AVAILABILITY OF ELECTRONIC RECORDINGS

If a proceeding has been recorded electronically, the Clerk of Court will arrange, upon the request of any party, to have a copy made of the electronic recording or to have a transcript prepared from the electronic recording, but only after the requesting party has made acceptable arrangements with the Clerk of Court to pay the costs associated with the request in accordance with the directives of the Administrative Office of the United States Courts.

LCrR 57.4 EXHIBITS

a. Marking of Exhibits. Exhibits in criminal trials and hearings must be marked in accordance with Local Rule 83.7.a.

b. Custody with Clerk of Court. All exhibits offered or received into evidence at a trial or hearing must be left in the custody of the Clerk of Court, except as provided in sections "c" and "e" of this rule. Until judgment in a case becomes final, exhibits may not be taken from the custody of the Clerk of Court, except upon order of the court and the execution of a receipt.

c. Custody with Offering Party. Except as provided in section "d" of this rule, any exhibit not suitable for filing or transmission to the appellate court as part of the appellate record must be retained in the custody of the party offering the exhibit. Such exhibits include, but are not limited to, the following:

1. "Unsafe or dangerous exhibits," as defined in section "h" of this rule;

2. Jewelry, liquor, money, articles of high monetary value, and counterfeit money; and

3. Documents or physical exhibits of unusual sensitivity, bulk, or weight.

Except when such an exhibit is being used in court during a trial or hearing, or is in the custody of a jury or the court during deliberations, the offering party must retain custody of the exhibit. The offering party must preserve the exhibit in an unaltered condition until 30 days after the resolution of both any appeal and any application for relief under 28 U.S.C. § 2255, or if no application for relief under 28 U.S.C. § 2255 is filed, until two years after the date on which the judgment of conviction becomes final after any appeal. The exhibit then may be destroyed or otherwise disposed of by the party having custody of the exhibit, but only after the party gives 30 days' written notice to the attorneys of record and to any parties who appeared pro se. The party retaining custody of such an exhibit must make the exhibit available to the court and to opposing counsel for use in preparing an appeal or in connection with any postconviction proceedings, and must transmit the exhibit safely to the appellate court, if required. Such party also must document the chain of custody of the exhibit.

d. Biological Evidence. Biological evidence (for example, blood, saliva, tissue, and items containing bodily fluids upon which DNA or other forensic tests could be performed) must be retained by the Clerk of Court until disposed of pursuant to section "f" of this rule.

e. Substitution of Photographs for Exhibits. If a party has offered into evidence at a trial or hearing an exhibit that is not suitable for filing or transmission to the appellate court as part of the appellate record, the offering party must provide a photograph of the exhibit to the court to be substituted for the exhibit, and must retain custody of the exhibit as provided in section "c" of this rule.

f. Disposition of Exhibits. After judgment has become final in a criminal case, exhibits left in the custody of the Clerk of Court may be claimed and withdrawn by the party who offered the exhibit. Any exhibits not claimed and withdrawn within 30 days after the resolution of both any appeal and any application for relief under 28 U.S.C. § 2255, or if no application for relief under 28 U.S.C. § 2255 is filed, within two years after the date on which the judgment of conviction becomes final after any appeal, may be destroyed or otherwise disposed of by the Clerk of Court after giving 30 days' written notice to the attorneys of record in the case and any pro se parties of the Clerk of Court's intention to destroy or otherwise dispose of the exhibit. If a timely objection is filed, the exhibit will be destroyed or otherwise disposed of only upon an order of the court.

g. Record of Withdrawal or Destruction. A party withdrawing an exhibit must give a receipt to the Clerk of Court, and the receipt will be filed. Exhibits destroyed or otherwise disposed of by the Clerk of Court will be accounted for by a statement prepared and filed by the Clerk of Court showing the date such action was taken and the date notice of intention to do so was given to the attorneys of record and any pro se parties.

h. Unsafe or Dangerous Exhibits. As used in this rule, the phrase "unsafe or dangerous exhibit" includes narcotics and other controlled substances, firearms, ammunition, explosives, knives, any object capable of use as a weapon, poisons, dangerous chemicals, hazardous substances, and any other item or matter that may present a substantial risk of physical injury or property damage if not properly handled, stored, or protected.

No one is permitted to bring an unsafe or dangerous exhibit into a courtroom for any purpose, including as evidence at a trial or hearing, without first notifying the federal judge handling the trial or hearing and the United States Marshal's office. Before any such exhibit is brought into a courtroom, the lawyer or pro se party responsible for the exhibit must make certain all reasonable measures have been taken to render the exhibit as safe as possible. Such measures include, but are not limited to, the securing in sealed containers of all controlled substances, poisons, dangerous chemicals, and hazardous substances, and the disabling of all weapons.

i. Demonstrative Aids. Local Rule 83.7.j, relating to demonstrative aids used during jury trials, applies in criminal cases.

LCrR 58.1 SCHEDULE OF FINES

Pursuant to Federal Rule of Criminal Procedure 58(d)(1), the court may, by standing order, fix sums which may be accepted in lieu of appearances in cases of petty offenses, as defined in 18 U.S.C. § 19. All schedules presently in effect are adopted.

LCrR 59.1 APPEALS FROM RULINGS OF UNITED STATES MAGISTRATE JUDGES IN CRIMINAL CASES

A party in a criminal case who objects to or seeks review or reconsideration of either a magistrate judge's order on a pretrial matter, or a magistrate judge's report and recommendation, must file specific, written objections to the order or report and recommendation within 10 court days after service of the order or report and recommendation. Any response to the objections must be filed within five court days after service of the objections. A party asserting such objections must arrange promptly for a transcription of all portions of the record the district court judge will need to rule on the objections.

In any event, objections to a magistrate judge's order or report and recommendation must be filed at least five court days before trial, and any response to the objections must be filed at least three court days before trial.

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE [NORTHERN][SOUTHERN] DISTRICT OF IOWA
@ DIVISION

@, Plaintiff(s), vs. @, Defendant(s).	No. @ **STATEMENT OF INTEREST**

As required by LR 3.2 and LR 81.1.c, d, and e, @, [plaintiff][defendant] in this case, provides the following information to the court:

(a) *The following are the names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the [plaintiff][defendant] as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the [plaintiff's][defendant's] outcome in the case*:

(*b) With respect to each entity named in response to (a), the following describes its connection to or interest in the litigation, or both*:

Date: _____

_____
Name of lawyer
Name of lawyer's law firm
Lawyer's office address
Lawyer's telephone number
Lawyer's facsimile number
Lawyer's e–mail address
Contact person's e–mail address
Attorney for (plaintiff/defendant)

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NOTICE OF PUBLIC AVAILABILITY OF CASE FILE INFORMATION

All documents filed with the court, unless sealed, will be available to the public, and may be accessible over the Internet. Therefore, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary.

If sensitive information must be included in a document, certain personal and identifying information should be redacted from the document, whether it is filed electronically or non-electronically. This information includes the following: (1) Social Security numbers, (2) financial account numbers, (3) dates of birth, and (4) the names of minor children. Also, you should exercise caution when filing documents that contain the following: (1) other personal identifying numbers, such as driver's license numbers; (2) information concerning medical treatment or diagnosis; (3) employment history; (4) personal financial information; (5) proprietary or trade secret information; (6) information concerning a person's cooperation with the government; (7) information concerning crime victims; (8) sensitive security information; and (9) home addresses.

Counsel are strongly urged to share this notice with their clients so informed decisions may be made concerning the redaction of sensitive information from documents that will be available to the public as part of a case file. It is the sole responsibility of counsel and the parties to ensure that all filed documents comply with the rules of this court requiring redaction of personal data identifiers; the Clerk of Court will not review filings to determine whether appropriate redactions have been made.

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APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE [NORTHERN][SOUTHERN] DISTRICT OF IOWA
@ DIVISION

@, Plaintiff(s), vs. @, Defendant(s).	No. @ **MOTION FOR ADMISSION PRO HAC VICE**

@, a lawyer who is not a member of the bar of this district, moves to appear in this case pro hac vice on behalf of @. @ states that [he][she] is a member in good standing of the bar of [the United States District Court for the @ District of @][the highest court of the state of @][the territory of @][@, an insular possession of the United States], and that [he][she] agrees to submit to and comply with all provisions and requirements of the rules of conduct applicable to lawyers admitted to practice before the state courts of Iowa in connection with [his][her] pro hac vice representation in this case.

[***IN CIVIL CASES***]@ further states [he][she] will comply with the associate counsel requirements of LR 83.2.d.4 by associating with @, a lawyer who has been admitted to the bar of this district under LR 83.2.b and c and who [has entered an appearance in this case][will enter an appearance in this case on behalf of @ by [date]].

[***IN CRIMINAL CASES***]@ further states [his][her] pro hac vice admission on behalf of the defendant in this case is authorized by LR 83.2.d.3.

@ states [he][she] can be contacted at the following locations: [*law firm, mailing address, telephone number, facsimile number, and e–mail address*].

[Signature block for Movant]

Date: _____

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APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE [NORTHERN][SOUTHERN] DISTRICT OF IOWA
@ DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. @, Defendant.	No. @ **WRITTEN WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT**

Pursuant to Federal Rule of Criminal Procedure 10(b), the defendant hereby waives personal appearance at the arraignment on the charge[s] currently pending against [him] [her] in this court.

(1) The defendant affirms that [he] [she] has received a copy of the [superseding] indictment;

(2) The defendant understands that [he] [she] has the right to appear personally before the Court for an arraignment on [this] [these] charge[s], and voluntarily waives that right; and

(3) The defendant pleads not guilty to all counts of the indictment.

(4) (*to be used in the Northern District of Iowa only*) The defendant [stipulates] [does not stipulate] to entry of the standard discovery order utilized in this District.

Defendant	Date	Counsel for Defendant	Date

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